

VOLUME IX, NUMBER 3, SUMMER 2009

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A Journal of Political Thought and Statesmanship

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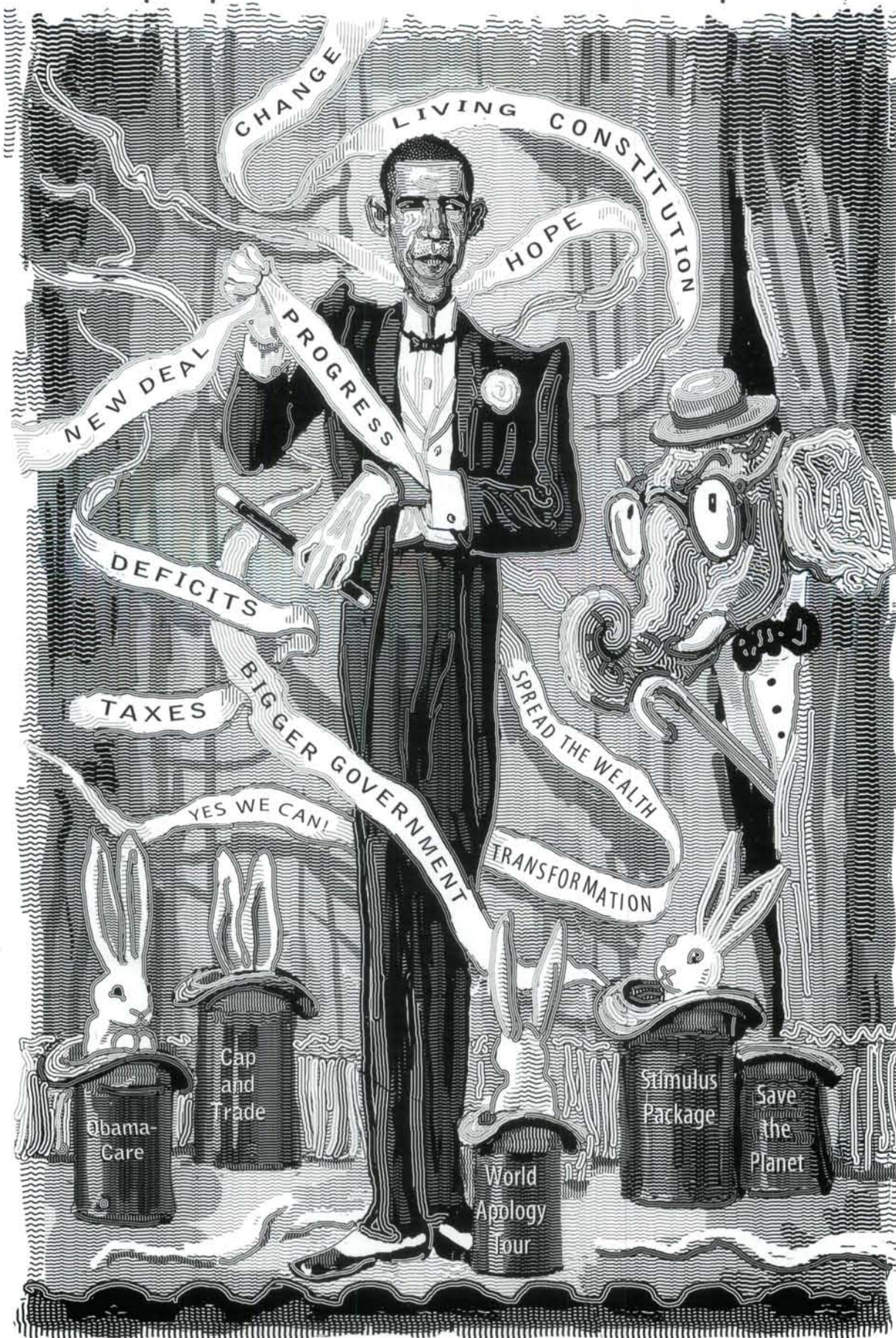
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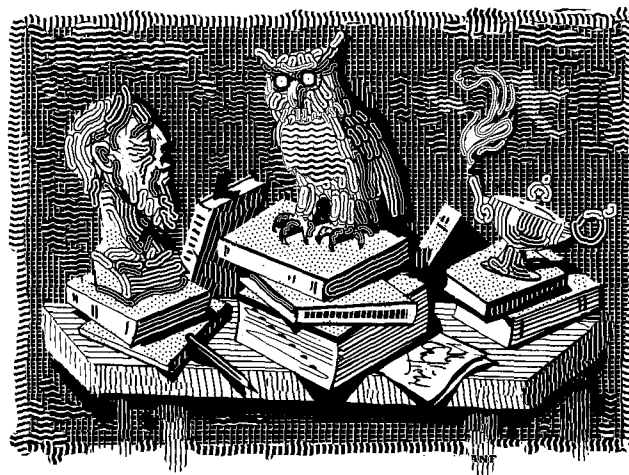
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FROM THE EDITOR'S DESK

THE RED BEATING HEART

by Charles R. Kesler

DAN RATHER, THE FORMER CBS NEWS ANCHORMAN, CALLED THE other day for President Barack Obama to appoint "a White House commission on public media" to study ways to save journalists' jobs and keep news organizations, especially newspapers, alive. "A truly free and independent press," he told the *Aspen Daily News*, "is the red beating heart of democracy and freedom."

Those of us who grew up watching him on TV know that Rather's red beating heart bleeds blue. His liberal politics were rarely off-screen, and he left his correspondent's job at *60 Minutes* (the matter is being litigated) amid controversy over fabricated documents showing that the young George W. Bush had allegedly received special treatment in the Texas Air National Guard.

Rather went on to say, according to the Aspen paper's summary, that "the free press, as established by the First Amendment to the Constitution, ought to operate as a public trust, not solely as a money-making endeavor...."

So let's see. Rather contends that the First Amendment, the same one establishing "a truly free and independent press"—independent of government, that is—now is an excuse for turning the press into a "public trust," presumably with tax and regulatory favors to allow the media to thrive. Granted, he isn't calling directly for a government bailout; he's calling for a commission to lower resistance to the idea of a bailout by studying ways to do it.

On that principle, I look forward to his proposal for a White House commission to study the alarming drop in support for mainstream Protestant churches. The First Amendment guarantees them freedom, but people aren't filling the pews anymore. What will happen to the red beating heart of American religion?

No one disputes that American newspapers are in trouble; they're dropping like flies. The 150-year-old *Rocky Mountain News* shut down almost six months ago, the daily *Christian Science Monitor* publishes only online now, and the *New York Times*, the gray lady herself, was forced to borrow \$250 million from a Mexican financier at 14% interest. In the old days, a lady didn't do that kind of thing.

What's killing newspapers? The principal suspect is the internet, which not only scoops print journalism by shortening the news cycle but also steals print's thunder by circulating print articles, for free, before the paper is even out. Newspaper ad revenues have fallen precipitously because it's easier, cheaper, and often more effective to advertise on the web.

PERMIT ME, HOWEVER, TO ADD ANOTHER FACTOR. MANY AMERICAN newspapers in the course of the last century developed a stultifying self-importance. Hegel, who as far as I know is the first philosopher to edit a newspaper, was present at this attitude's birth. In his diary he wrote: "Reading the morning newspaper is the realist's morning prayer." To Hegel, in other words, the daily paper represents the ascent from superstitious faith in God to realistic faith in science and history. The newspaper's account of world events is the first draft of true scripture, showing God's will at work turning Earth into rational heaven.

But have you tried reading the heavenly editorial pages of, oh, the *San Francisco Chronicle* or the *New York Times*? It's impossible, at least if you value lively writing, humor, and sharp thinking. Everything is *ex cathedra*, written with a drear infallibility far surpassing any pope's. A kindred smugness—Rather is its public face—often grips the news pages, leavened only by the irony oozing from the lifestyle and entertainment reporting. And how few papers retain any sense of local character, most of which has been sacrificed to Hegel's God of universal wisdom, known in the business as the journalism schools and wire services. The only sections responding to the natural limits of human affection and knowledge are the business and sports pages. The latter are superior because they invite readers to share in the athletes' beautiful, unironic, and unashamedly partisan (Go Dodgers!) quest for excellence.

The red beating heart of American democracy will continue to beat, without a government pacemaker, in the newer media and livelier newspapers—those curious about the world, fond of the best pens, and honest about their own loyalties. For the rest of the media herd now threatened with extinction, their best hope is to be included in your morning prayers.



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CONSERVATISM'S FUTURE

William Voegeli offers an astute and fair-minded reading of one of the important divisions within the Republican Party and the conservative movement today ("The Wilderness Years Begin," Spring 2009). Happily, the division that Voegeli analyzes—the division between Traditionalists and Reformers—is also the one most easily resolved. Over the next political cycle, the Traditionalists will have the upper hand and will get to do things mostly their way. If that works—if the GOP wins the White House or at least recovers large numbers of seats in Congress—then the Reformers have been wasting everybody's time, including our own. If it does not work, then the Reformers get their innings in 2013.

As Voegeli notes, Reformers disagree amongst themselves. He very accurately puts his finger on the source of the division: whether to try to expand Republican political reach laterally or vertically. This is a very difficult problem, and one that Reformers themselves tend to under-appreciate.

Let's put it this way: the core constituency of today's Republican Party is whites who are not poor but who did not graduate from college.

Even in a terrible year like 2008, the GOP wins a super-majority of these voters.

Ross Douthat and Reihan Salam, and Ramesh Ponnuru, too, envision a future Republican Party that scores even more highly among this group than it did in the 2000s. To that end, they urge a renewed emphasis on social conservatism along with various economic measures aimed at lower-middle-class families.

But the fact is that even in a bad year like 2008, the GOP already gets north of 60% of the white working class vote. How much can that supermajority realistically be enlarged? And can it be enlarged fast enough to compensate for the relative shrinkage of that group? America is not only becoming less white, it is also becoming more highly educated. As recently as 1990, only about 20% of whites held a college degree. Today, almost one-third do. The constituency for a message that is socially conservative and economically populist (but not economically liberal!) is shrinking before our eyes. The populist Reformers have to hope that they can somehow also reach socially conservative Hispanics and blacks. Call it the Proposition 8 coalition. It's not impossible to imagine such a coalition taking form. But it will require a degree of ideological transformation much more radical than anything the populist Reformers have yet contemplated.

Of course, the same might be said to those like me who see the future of the GOP in reclaiming a larger share of the college-educated vote. The college graduates of the 2010s are very different people from the college graduates who responded to Ronald Reagan in the 1980s: much more numerous both absolutely and relatively, more female, less economically secure. The kinds of measures I have been talking about—a new emphasis on the environment, a concern for a next generation of public health problems like obesity, a more moderate

tone and style, a greater emphasis on technical competence—are probably also only an opening bid in the changes necessary to reach this group. So we are all in the wilderness together, groping our way forward.

A final thought. There is another dividing line in conservatism even more immediately relevant than that between Reformers and Traditionalists or that subdividing Reformers and Traditionalists within themselves. It is the line between politics and show business. The tone for conservatism in 2009 is not being set by any of the people discussed by Voegeli. It is being set by talk radio and Fox News, and they are guided by very different imperatives and incentives. While politics proceeds by addition and benefits from some measure of creative ambiguity, modern media profit from division and intensification. Conservative entertainment excites and mobilizes millions of Americans while alienating even larger numbers. There will be no conservative comeback until politically-minded conservatives of all descriptions find some escape from this dead end.

David Frum

American Enterprise Institute
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Washington, D.C.

I never read William Voegeli without learning something, and in the last CRB I learned a few things about myself. It turns out that I believe that advocating the public-policy changes I desire is a sure route to political success, and that I am a redistributionist. I had not known these things previously because they are not true.

Voegeli takes my statement that a pro-family tax reform would create winners and losers to mean that it is redistributive. Not so. Few people—well, few conservatives, anyway—would call a flat tax redistributive, although it would create winners and losers too. Some

people would give up tax breaks without being fully compensated in the form of lower tax rates. Any tax reform that is designed to be revenue-neutral on static assumptions would create winners and losers; not all such reforms would be redistributive. The centerpiece of the tax reform I have advocated is, as Voegeli notes, a large tax credit for children that parents could apply against their income and payroll taxes. In arguing for it, I have continuously stressed that the effect of that credit would be to make the federal government less redistributive rather than more. The tax code, combined with entitlements, currently redistributes money from households with children to those without.

Moving on to more general points: Voegeli suggests that conservative "Reformers" are prone to what we might call, borrowing from Judge Robert Bork's usage in a different context, the heart's desire school of political strategy. I think the distinction between "Traditionalists" and "Reformers" is overdone. If we accept this division, though, I think it is the Traditionalists who are more prone to this error. Their explanation of recent Republican political setbacks tends to center on the party's departures from their program, particularly on federal spending. Their prescription for political renewal is to embrace that program. I would like to see much lower federal spending, but this analysis seems to me to be based more on wishful thinking than evidence.

Voegeli is surely right to say that political analysts are too quick to assume that what they want is also what the public wants. I attempt to guard against this temptation. I may not always have succeeded. But there are all sorts of public-policy changes that I favor which I am willing to concede would be disastrous for a political party to make the basis of a campaign: the abolition of the Department of Education, for example, or a prohibition on abor-

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tion that applied in cases of severe fetal abnormality, or privatizing the licensure of doctors, or...well, you get my point. It is true that I believe that it is possible for some of the most pressing policy changes I favor to be combined and presented in a way that could attract majority support. All that means is that I am not yet ready to succumb to political despair. Voegeli concludes that a conservative—one might say anyone with principles—must be prepared to do his duty and die on the losing side. I agree, as I usually do when Voegeli writes. I hope he agrees that it is at least possible that our circumstances are not yet so dire.

Ramesh Ponnuru
National Review
Washington, D.C.

William Voegeli replies:

I appreciate the careful attention given to my "Wilderness" essay by David Frum and Ramesh Ponnuru. Both their letters raise the question of whether, or to what extent, conservatives need to retool their arguments and agenda in the pursuit of an electoral majority.

For Frum, the most pressing need is for conservatives to present themselves in ways that appeal to voters outside their core constituency. He laments that the rhetorical style of conservative talk radio and Fox News does a better job of expelling heretics than winning converts, thus making the conservative movement more cohesive, but also smaller and weaker.

Frum's argument resembles one put forward by Peter Beinart in the *New Republic* just after the 2004 election, when liberals were in despair at the re-election of George W. Bush and the presence of 55 Republicans in the U.S. Senate. Liberalism, Beinart warned, would never become electorally viable again until liberals shunned their own dividers and extremists, such as MoveOn.org and Michael Moore, just as liberals in the Americans for Democratic Action had excommunicated Henry Wallace in 1947.

Beinart's article was not prophetic. Despite refusing to conduct the purges he recommended, liberals wield more political power today than they have since 1965. Rather than repudiating their entertainers, for example, they elected one to the U.S. Senate from Minnesota. It would be nearly as difficult to argue that the stridency of people like Keith Olbermann of MSNBC, or Markos Moulitsas of DailyKos.com, has been bad for their careers as to show it has been harmful to the broader liberal political project.

Apparently, then, the show-business proclivity for division and intensification is *not* inherently lethal to the political addition needed to build the biggest possible coalition. The fact that Beinart was wrong does not prove that Frum cannot be right, however. There might be two mitigating differences between liberals' situation after 2004 and the one confronting conservatives after 2008. First, if the liberal tide began coming in after 2004, and the conservative one is now going out, then liberals would have enjoyed more latitude to give free rein to their entertainers than conservatives do today. Second, the playing field is *never* level—liberals dominate academia and journalism, so they can get away with rhetoric conservatives can't. The situation is unfair, but conservatives have to play the hand they're dealt, not the one they deserve.

The best sort of dispute to avoid having with someone who writes as much and as well as Ramesh Ponnuru is a semantic one. Before capitulating, then, I'll note quickly that a tax-reform plan whose explicit goals include leaving one big group of citizens significantly better off, and another big group worse off, *sounds* like it contains elements of what Stephen Colbert might call "redistributiveness." I take Ponnuru's point to be that the crucial question is the choice of baselines: tax and spending policies that increase the disparity between the pre-tax and after-tax income distribution are the only ones rightly called redistributive. Policies that would change the after-tax distribution of income from what it is at the moment, but

move it closer to the pre-tax distribution, which is what Ponnuru's plan sets out to do, should be called something else. "Re-redistribution"? "Un-redistribution"? The terminological muddle does not undo the basic point that Ponnuru's tax proposal is not helpfully described as redistributive.

The more important question is whether it's a good idea. Does Ponnuru's plan advance the related but distinct goals of more conservative governance and a more conservative electorate? I *think* it does, but it's a close and interesting call.

I see two big advantages to Ponnuru's plan, and one significant concern. The first good thing Ponnuru's plan would do is weave together into a stronger coalition conservatives preoccupied with limiting government and those whose highest priority is strengthening the family. As William Bennett used to say, the nuclear family is the original department of health, education, and welfare. A proposal that addresses children's needs by giving tax relief to their parents does more to help the needy than a round of budget increases for an endless list of welfare state programs, while also vindicating the principle of leaving people alone rather than entrusting the government with the responsibility for improving their lives.

The second good thing about Ponnuru's plan is that ending the federal deductibility of taxes paid to states and localities would simultaneously strengthen federalism and limited government. As matters now stand, residents of high-tax states have the purchase price of Big Government at the state and local level marked down. Their discount corresponds to a federal tax premium paid by the residents of low-tax states, who have smaller deductions on their federal returns. Both fairness and the cause of limiting government would be promoted by letting the residents of every state and locality pay full price for the amount of government they purchase.

The worrisome thing about Ponnuru's plan concerns this same idea—that the growth of govern-

ment will be constrained if people are confronted with its costs directly. The Ponnuru proposal clearly serves this goal at the local and state level, but its impact at the federal level is murkier. According to the most recent data available from the Congressional Budget Office, the poorest quintile of the American income distribution paid 0.8% of federal taxes in 2006. That's 80 cents out of every \$100 of *all* federal taxes—income, payroll, corporate, and excise. The next-highest quintile paid 4.1% of the total, and the middle quintile paid 9.1%.

Under these circumstances, a solid majority of the American people has good reason to think of the growth of government and the resulting growth of taxes as somebody else's problem—somebody richer's problem. The 86% of the federal tax burden not paid by the poorest 60% of the population in 2006 was divided, after rounding, between the fourth quintile, which paid 16.5% of all federal taxes, and the highest quintile, which paid 69.3%. The 1% of the population with the highest income paid 28.3% by itself, and the next highest 4% paid another 16.4%.

This gets us back to the question of winners and losers under Ponnuru's proposal. Because of the Earned Income Tax Credit, effective federal income tax rates for the first and second income quintiles are already negative. Thus, payroll taxes are the only significant federal tax liability faced by most poor and lower-middle class families. A \$5,000 credit for each dependent child, applicable to both income *and* payroll taxes, would give millions of American families a sabbatical from federal taxation that concluded only when their youngest child was no longer a dependent. Any conservative argument against new federal spending would have to sway these voters purely on the strength of its abstractions, because they would be exempt from any resulting tax increases prior to the empty-nest phase of their lives.

Of course, there would be losers under Ponnuru's proposal, too, those people who currently pay little or no federal taxes but wind up

paying quite a lot. They include the childless and residents of high-tax states and cities. The proposal is revenue-neutral, which means the number of dollars coming into the U.S. Treasury remains unchanged. It is not necessarily taxpayer-neutral, however. The number of taxpayers who end up paying negligible federal taxes could grow, shrink, or stay the same.

I'm not sure which. The question may be economically unanswerable and politically irrelevant. It would be unanswerable if even the best statisticians were unable to take Ponnuru's plan out for a test-drive that was revealing enough to settle the question of its impact on the size of the untaxed cohort. It would be irrelevant if the size of that cohort is so large *now* that increasing it wouldn't make much difference. That is, the distribution of the burdens of federal taxation may be so top-heavy already that the correlation of forces between those who want to shrink and those who want to expand the federal government is as favorable to the latter as it can possibly get.

Conservatism is in a ditch, and the least promising approaches for getting out are those that emphasize risk-avoidance. Frum's advice on rhetoric and Ponnuru's tax reforms are both gambles, but shrewdly considered rather than reckless ones. Both proposals are exercises in the statesmanship of ideas, ones that seek to marry good governance to good politics. They deserve careful consideration.

TOO FEW DOCTORS?

Among the recommendations Mark Helprin makes for the American health care system is that the United States take immediate steps

to double the number of physicians trained each year, in order to reduce physicians' prices ("First, Do No Harm," Spring 2009). Mr. Helprin further asserts that other industrialized countries have on average 150% more physicians per capita than the U.S., and that worsening shortages loom.

America has tried Mr. Helprin's suggestion in the past with decidedly mixed consequences. The federal government, through a number of initiatives begun in the late 1960s, vastly increased the annual infusion of new doctors, from 7,000 graduates in 1970 to over 15,000 in 1980 and over 16,000 today. Physician manpower increased from 325,000 in 1970 to 853,000 today and will reach 952,000 by 2020, nearly triple the 1970 level. The U.S. has 255 physicians per 100,000 inhabitants, up from 137 in 1970, and will reach 258 in 2020. This compares to 334 in France, 330 in Germany, 195 in Canada, 189 in Great Britain, and 177 in Ireland. Clearly, the U.S. falls within the range of other first world countries.

The Department of Health and Human Services (HHS) projects a 1% per year increase in physician productivity over the next decade, which means we would have the output of 300 of today's physicians per 100,000 inhabitants by 2020, far greater than any English speaking industrial country and about the same as continental Europe, which has struggled with chronic physician unemployment.

What has been the effect of this great increase in the number of physicians? Mr. Helprin is right; oversupply did lead to lower prices. In real dollars the unit price for physician services has fallen about 50% since 1985. A physician 15 years out of training and owner or equity partner in his practice now earns less than a lawyer, dentist,

or CPA in the same situation, and works harder.

However, Mr. Helprin's notion that lower physician prices would lower health care costs has proven wildly wrong. About 60% of health care costs arise from tests, medications, and procedures ordered by physicians. The presence of ever greater numbers of physicians has exacerbated the cost increases caused by the availability of more advanced pharmaceuticals and technology. Other countries have avoided the bulk of these cost increases largely through rationing of access to these life-saving advances.

Physician oversupply has led not only to lower physician income, but also to lower physician morale, autonomy, and public respect. The brilliant, highly motivated people the medical profession used to attract now largely shun the field, and instead enter law, business, computer science, or finance.

A further vast increase in physician manpower would lead to increased, not decreased costs, stringent government controls, further erosion of physician quality, and, ultimately, loss of patient autonomy—outcomes none of us would wish.

Steven E. Levine, M.D.
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Mark Helprin replies:

First, a note on the supporting data. (Those who don't relish such interesting details might want to skip to the third paragraph.) Contrary to common assumptions, most social statistics, like election tallies, are seldom precisely replicable. Given that it is unlikely that in the last four years a fifth of British doctors simply disappeared, I suspect that this explains the difference between Dr. Levine's 189 physicians per capita in the U.K. (presumably at present) and the Organization for Economic Cooperation and Development's figure of 230 (in 2004), upon which I rely. The numbers of British and Amer-

ican doctors per capita are roughly equal, but, as I pointed out in my essay, it is true that "The major countries of Western Europe *other than Britain* [emphasis newly supplied] have on average 150% more physicians and 200% more hospital beds per capita." And it is a fact that the major countries of Western Europe spend 9.4% of GNP on health care while we spend 16%.

As Dr. Levine states, for a period the granting of American medical degrees greatly increased: cumulatively 81% between 1970 and 1990. Even when measured against the population growth of 22%, this is substantial. However, between 1990 and 2004, cumulative growth of only 2% hardly kept up with an 18% increase in population. Then we began a heavy draw of doctors from the Third World. These patterns notwithstanding, the ratios expressed in the first paragraph above accurately reflect the differences between America and the group of countries I used as exemplars. In light of these numbers, of waiting times throughout the U.S., and of the Association of American Medical Colleges prediction of a dearth of 124,400 M.D.s by 2025, I would hesitate to call what we now have an oversupply. And even if we did have an "oversupply" (for which, if you think about it, a credible definition would be hard to come by in the present circumstances), adding to it further would still lower prices.

Dr. Levine stipulates that, in fact, the increase in physician supply in the period he cites "did lead to lower prices. In real dollars the unit price for physician services has fallen about 50% since 1985." He objects that, "However, Mr. Helprin's notion that lower physician prices would lower health care costs has proven wildly wrong," because 60% of health care costs arise from everything but physician fees.

I did not propose to cut health-care costs only by lowering the prices charged by physicians—although if these costs total 40% of the total and they were cut in half, they would in fact lower overall costs by 20%. My proposal, clearly expressed, was to increase the supply of all medical

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goods, from cotton swabs to magnetic resonance imagers, from physicians to technicians, drugs, hospital beds, outpatient facilities—in short, whatever it is that in its scarcity elevates prices.

It is true that, just as with diamonds, gold, or oil, if supply increases relative to demand sellers will receive less, especially those who, like physicians, cannot prop up income by increasing volume. But as in the production of energy or food, should not deficits be met with the natural response of increasing supplies? This is at one and the same time the classic economic prescription across many schools, the normal response, the expected reflex, and, in the case of food or medicine, the moral imperative. The opposite course of action, to ration supply (which the need for stringent certification allows the medical profession to do at will) is what cartels attempt for their own advantage and what socialists do ostensibly for the sake of equality. The former enjoy narrowly distributed benefits arising from their promotion of unnatural restriction, and the latter enjoy stilted centralized direction arising from their toleration and imposition of precisely the same thing.

I do not conflate the lowering of health costs with physician happiness. On the other hand, I remember when ambulances carried interns, when doctors would come to the house to see a patient at four in the morning on a Sunday, when those who practiced medicine were not as rich as they are at present, and when despite this, as many sources and surveys attest, they were a lot happier than they are now. Though they did not have the science they have today, they found great satisfaction in a calling that was properly honored and respected in a less materialistic culture. They were not even vaguely overshadowed by the machines to which these days they are sometimes viewed as mere accessories, and their clients were their patients rather than arrogant, mechanical, and faceless bureaucracies.

The pressures of mortality and rapid advances in medical science

have combined to elevate demand for health care to unprecedented levels. Because this demand rises from the will to escape suffering and death, it will not ebb, and it can never be called unreasonable even if it is insatiable. By its nature, it is difficult to satisfy fully, but rather than pulling back and rationing, our task should be to extend and increase supply.

Paradoxically, but according to laws of economics that have yet to be repealed, this would lower or stabilize costs while at the same time it saved and prolonged lives. Granted, insatiable demand can keep level with supply and repeal reductions in price. But even if this were so—and varying levels of patient satisfaction by era and location show that demand can level off at least until major advances in science change the nature of expectations—costs would rise less rapidly than otherwise, and everyone would benefit from the richer provision of medical care. Perhaps the average cardiologist would not, as he does now, take home \$419,000 per year, though perhaps, with the debt-free education I advocate and reforms in bureaucratic practices and liability insurance, he would. Is this, however, the test?

THIRD WORLD CORRUPTION

I read Carl Schramm's "Up From Poverty" (Spring 2009) expecting at each paragraph to be reminded of the two problems that separate the developed world from the "never to be developed world," namely, nepotism and corruption. Without addressing these two problems, we can put all the money we want into "developing nations" and have no discernible effect, ever. To have even a limited effect in these countries, every dollar and decision must be watched over by an outside body. Most unsupervised aid money goes to support the worst people in each country.

C. Ferrell Varner
Memphis, TN

AN OPEN LETTER

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Sir:

In your Cairo speech [June 4, 2009] you referred to the West Bank as "occupied" by Israel. You implied that the Palestinian Arabs were being denied the sovereign rights to their homeland. But the West Bank was never a sovereign state to Palestinian Arabs. In the ancient world, Judea and Samaria belonged to what was then a sovereign Jewish state, a state from which the Jews were repeatedly driven by foreign conquerors: among them Babylonians, Romans, and Christian crusaders. However often they were driven from their ancient homeland, Jews always returned.

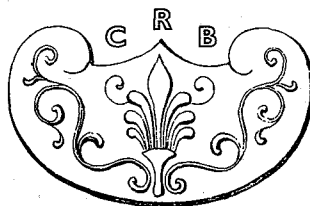
The millennial claims of the Jews contrast with the fact that the Palestinian people of today have no such historic claims. In fact, the Palestinians whose national identity you recognize did not exist before 1967. The West Bank was conquered in 1948 by Jordan, which subsequently annexed it and then later de-annexed it. It was de-annexed when the King of Jordan discovered he had added to his kingdom Palestinians who wanted to overthrow his monarchy. For the same reason, Israel does not want to add enemies to its body politic.

During the 19 years that Jordan controlled the West Bank, not a word was heard of a Palestinian people. After Israel's victory in 1967, Palestinian nationalism was a creation of the larger Arab world, which saw in a Palestinian state a platform from which to launch Israel's ultimate destruction. But they recognize that that victory will never come until America's support of Israel is sufficiently undermined.

To be sure, the idea of statehood for Palestinian Arabs has a history. It was proposed by the Peel Commission in 1937, in parallel with the then Jewish Homeland. It was proposed again in 1947 by the United Nations, which partitioned Palestine into two states. In both cases partition was accepted by the Jews and rejected by the Arabs. In 1948 the Arabs thought they could destroy Israel, and possess the whole of Palestine. Today they accept what they had formerly rejected, but only as a means to the same end: the destruction of Israel.

Sincerely,

Harry V. Jaffa
Claremont, CA



AGAINST THE VIRTUAL LIFE

Book Review by Joseph Epstein

Digital Barbarism: A Writer's Manifesto, by Mark Helprin.
Harper, 256 pages, \$24.99

MARK HELPRIN'S *DIGITAL BARBARISM* IS ostensibly a book about copyright: the need for preserving it and indeed extending its span, the distinctions between it and other forms and kinds of property, the political implications behind recent attempts to eliminate it. As a copyright holder myself, who has not thought lengthily on the subject, but only gratefully collects his peasantries (as I refer to my rather meager royalties) and moves on, Mr. Helprin's argument strikes me as sound, persuasive, even penetrating. But the book is about much more than copyright. *Digital Barbarism* is, in fact, a diatribe, harangue, lecture, attack, onslaught, denunciation, polemic, broadside, fulmination, condemnation, no-holds barred, kick-butt censure of the current, let us call it the digital, age. Reviewers have criticized Helprin for the almost unrelenting note of rant in his book, claiming, as one did, that it "corrodes [his] credibility." Poor benighted fellows, they have missed the best part of this unusual book.

Mark Helprin is a brilliant writer, of great descriptive power and independent mind, whose views are often unpredictable and always lively. He was an advisor on defense and foreign relations for Bob Dole when he ran for the presidency in 1996, which, in the lost-cause department, strikes me as a job akin to having the bagel concession in Hitler's bunker. I mention this odd biographical fact—he brings up many others in the course of his book—to show that Mr. Helprin does not run with the gang, any gang. He doesn't, that is, find much to choose from between Ann Coulter and Al Franken.

Digital Barbarism had its origins in an op-ed in the *New York Times* that Helprin wrote in 2007 in defense of copyright.* Such was the reaction against this piece, some 750,000 uniformly ticked-off outbursts on the internet, that Helprin came to realize that forces greater than the matter of the validity of copyright were at issue. He determined, in fact, that a great cultural disruption had occurred, and that the attack on the age-old institution of copyright is merely the tip of the iceberg toward which we, jolly passengers on a cultural Titanic of our own devising, are all blithely sailing.

As for copyright, those who would eliminate it, placing all works in the public domain—a condition to which much recorded music has not aspired but appears to have attained—feel it is little more than selfishness legalized. Art, like ideas, they hold, ought to be common property, enjoyed by all, with future profit for none. Helprin clubs adherents of this view down, showing that copyright is nothing like the monopoly they claim, nor is it the same as holding a patent, which they ignorantly aver. He convincingly makes the case that copyright is a form of property—intellectual property—and that sustaining it is important for stimulating individuality, originality, and creativity of a kind without which life will quickly lapse into a bland collectivity that will make us all much the poorer—and not merely in the economic realm.

"Copyright is important," Helprin writes, "because it is one of the guarantors of the

rights of authorship, and the rights of authorship are important because without them the individual voice would be subsumed in an indistinguishable and instantly malleable mass." A mass, one might add, of the kind that ganged up against Helprin in reaction to his *New York Times* op-ed. "The substance [of the reaction to his op-ed] was disturbing if only for its implicit comment on the state of contemporary education," he writes. "The form, however, was most distressing, in that it was so thoughtless, imitative, lacking in custom and civility, and stimulated—as if in a feedback loop or feeding frenzy—by the power it brought to bear not by means of any quality but only as a variant of mass and speed."

WITHOUT GAINSAYING THE RICH NEW possibilities that digital technology has made available, Helprin makes the case that this same technology inculcates a frenetic habit of mind, quick on the trigger yet slow to appreciate subtlety and dazzlingly blind to beauty. "The character of the machine is that of speed, power, compression, instantaneousness, immense capacity, indifference, and automaticity," he writes. The other side of this debased coin is that the machine does not understand tradition, appreciate stability, enjoy quality, but instead "[hungers] for denser floods of data" and fosters a mentality in which "images have gradually displaced words."

Early in *Digital Barbarism*, Helprin posits two characters, one a high-flying executive in 2028 of a company that "supplies algorithms for the detection of damage in and the restoration

* A longer version of the essay appeared under the title "© Inequality" in the Summer 2007 issue of the CRB.

of molecular memories in organic computation," the other a British diplomat in 1908 on holiday at Lake Como. The first is living virtually the virtual life, so to speak, which means that he is hostage to the machinery of communication and information, flooded by e-mail, cell-phone calls, screen imagery, in a life lived very much from without. The second, reachable only by slow international post, lives his life with ample room for reflection, cultivation of the intellect, acquiring musical and literary culture directly and at leisure. Helprin naturally prefers the life of the latter, and if you don't grasp the reasons why, you are a digital barbarian in the making, if not already made.

Helprin tells us that "I look at a computer screen as little as possible"; and, later, that his satellite television system "was destroyed by a discerning lightning bolt." Yet he is no Luddite, or even against technology per se. He recognizes, as he puts it, that to deplore "the factual trajectory of things makes one reactionary, a dinosaur, rigid, unimaginative, impotent, a fascist, and a chipmunk." (A nice touch, that chipmunk at the end of the list.) But, boats against the current, Helprin beats on, claiming that "one need not be a Nazi brontosaurus to question the trajectories of one's time if indeed one's time produces people who think their grandchildren are their ancestors."

THE REAL ENEMY, THE DIGITAL BARBARISM of Helprin's title, is the kind of mind that is likely to oppose copyright—a mind propelled by a strong sense of entitlement, inane utopian visions, and less than no regard for those distinctions and discriminations that make a complex culture hum. *Digital Barbarism* is meant to be a torpedo aimed not across but directly into their bow. The anti-copyright movement, he holds, "is against property, competition, and the free market"; and its adherents are those who "favor a world that is planned, controlled, decided, entirely cooperative, and conducive of predetermined outcomes," even though history has long ago taught that those outcomes have a way of working almost precisely against the utopian dreams of the planners.

Nudniks, the Yiddish word for aggressive pests, is only one of the vituperations Helprin casts upon people possessed by minds organized in the movement against copyright. "Unlike the troublesome and annoying classical nudniks of the past," he writes,

the electronic nudnik is sheltered by anonymity, his acts amplified by an almost inconceivable multiplication and instantaneousness of transmission. This new nudnik is therefore tempted to exchange

his previous protective innocence (think Alfred E. Neuman) for a certain sinister, angry, off-the-rails quality (think the Unabomber), which is perhaps to be expected from the kind of person who has spent forty thousand hours reflexively committing video-game mass murder and then encounters an argument with which he finds himself in disagreement.

Helprin believes that he, in his op-ed, offended "a subcult amid those modern people who dress like circus clowns or adorn themselves like cannibals," presenting a spectacle akin to Queequeg having been "dropped on Santa Monica." He also avers that they have "a brain the size of a Gummy Bear" and, elsewhere, "of cocktail onions."

Helprin is no Luddite,
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and a chipmunk."

"At risk of straying too far," Mr. Helprin writes well into his slender book, to which one's response is, Not at all, old sport, stray quite as far as you like, plunge on, for the rest of this sentence reads: "I must relate the story of how a long time ago a great friend and I, alighting from a freight train in northern Virginia, proceeded to Crystal City, where we insolently skated in our shoes across an empty ice rink while a Zamboni machine was grooming it, leading to our detention by a security guard with the physique of a whale."

MUCH OF THE PLEASURE IN THIS BOOK IS in its digressions, for which the main argument, one sometimes thinks, is merely the excuse. Copyright, in other words, is the trampoline upon which Helprin jumps, the better to pounce on that new cultural type, the digital barbarian, he despises. *Digital Barbarism*, in much briefer compass, gives some of

the same oblique pleasure as *Tristram Shandy* and *The Anatomy of Melancholy*, two works that, without their digressions, could scarcely be said to exist.

An "essay-memoir" is the way Helprin describes his book, but it is also something of an advertisement for himself. Normally, this would not be a good thing, but here it is, somehow, amusing, like those television commercials that are superior to the show they are sponsoring. In his preface, for example, he informs us that he would "sometimes write speeches for politicians...always from deep anonymity and always without any compensation." He has an interest in physics, he tells us, "half-theoretical, half-empirical, and entirely amateur." He recounts that he went to Harvard, where his classmate was "that spritely lummock, Al Gore," and thence to Oxford, and that he was in the Israeli Air Force. His father, we learn, was in the movie industry, his mother an actress, but he is no more specific than that. (Was his father successful? Is his mother, who goes unnamed, famous, or was she famous in her day?) He claims—no reason to doubt him—to have taken a cross-country bicycle trip at the age of 14. He makes himself out to have been fairly well off, yet lets us know he worked two jobs after Harvard. He taught at the University of Iowa 30 years ago, where he was befriended by the now alas forgotten novelist Vance Bourjaily. He rows, about which he wrote a fine short story called "Palais de Justice," and used to be a climber (mountains, one presumes), and currently fly fishes. Greek sponge-fishing holidays, he instructs us, are "vastly overrated." Had he told us that he had flown three kamikaze missions (insufficient death wish?) or used to play gin rummy with Osama bin Laden's mother, we should, after all these autobiographical tidbits, have taken these, too, in easy stride.

Along with building up this persona, Helprin shoots off lots of lovely zingers. At these prices, he must have concluded, why accept repression? On his bicycle trip, he tells, to illustrate a point about private property, that a farmer caught him eating an ear of corn from his field, and came off as "irate as Al Sharpton," even though the farmer, "perhaps like Van Gogh, would not have missed a single ear." He remarks that the *New York Times Book Review* is our equivalent to the French Academy, deciding "the relative values and appropriate rewards for literary endeavors," but "at least it's not in the Constitution." He cites the "*Chronicle of [supposedly] Higher Education*," which "exhibits less intelligence than a Kleenex." He takes time out to attack Levenger's, which sells pseudo-elegant writing equipment, as part of a general tirade against the modern tendency to be over-equipped for all activities. He bangs

the idiot professoriat, and bings the contemporary novel, a stellar example of which he feels might be titled

Rimbaud's Macaque, a Novel of the Hypothetical Romance of Isadora Duncan and Nikolai Tesla, or, the Birds of Werbezerk, which, to quote from the publisher's copy, is "the dark and unforgiving account of a Santa Monica professor of Jewish studies who discovers that her parents were Bavarian Nazis and practicing cannibals."

WHAT MAKES MARK HELPRIN A GIFTED polemicist is his ability to combine the humorous with the tiradical. "A man blowing a trumpet successfully is a rousing spectacle," the Welsh writer Rhys Davies noted. Something no less rousing about a man standing up and blowing off, full steam ahead, as Mark Helprin does about, for only one example, the self-importance of BlackBerry-bearing human beings:

[T]he text-messaging approach [to making a dinner date] would take at least four messages, each typed in even more time than required by the entire voice transaction, over a period of hours or days, "from my BlackBerry." Excuse me? From your BlackBerry? I don't think the purpose of this declaration is to explain the brevity of your message, as you could probably type *War and Peace* with one thumb tied behind your BMW. I think its purpose is an ad from BlackBerry to let me know that you have a BlackBerry. May your BlackBerry rot in hell.

Many fine blasts of this kind are to be found in *Digital Barbarism*, some cutting an admirably wide swath. Here is Helprin on the hopeless attempts to fight the relentless debasement through vulgarization of contemporary culture:

No one has control of what is happening. It is the result of the hundred million decisions that taken together mark the decline of a culture—the teacher, lacking anything to say about his subject, who promotes an ideology instead; the publisher who cannot resist the payout from sensationalism and whips it into a dollar-frosted frenzy; the intellectually lazy reader who buys a prurient thriller, knowing that its effect is equivalent to a diet of gas-station junk food, "just for the plane ride"; the drug-addled Hollywood solons who have blurred the line between general films and pornography, and have created a new nonsexual pornography of hypnotic, purely sensational images, substituting stimulation and tropism for just about everything else (except popcorn); narrow intellectuals who mock the ethical precepts, religions, and long-held beliefs of civilizations that have evolved over thousands of years, in favor of theories of more or less everything that they have designed over an entire semester; writers who write according to neither their consciences nor their hearts, but to sell.

O.K., everyone breathe out.

Mark Helprin is a man of belligerent integrity. He recounts turning down an enormous fee from *Time* for a cover story because he at-

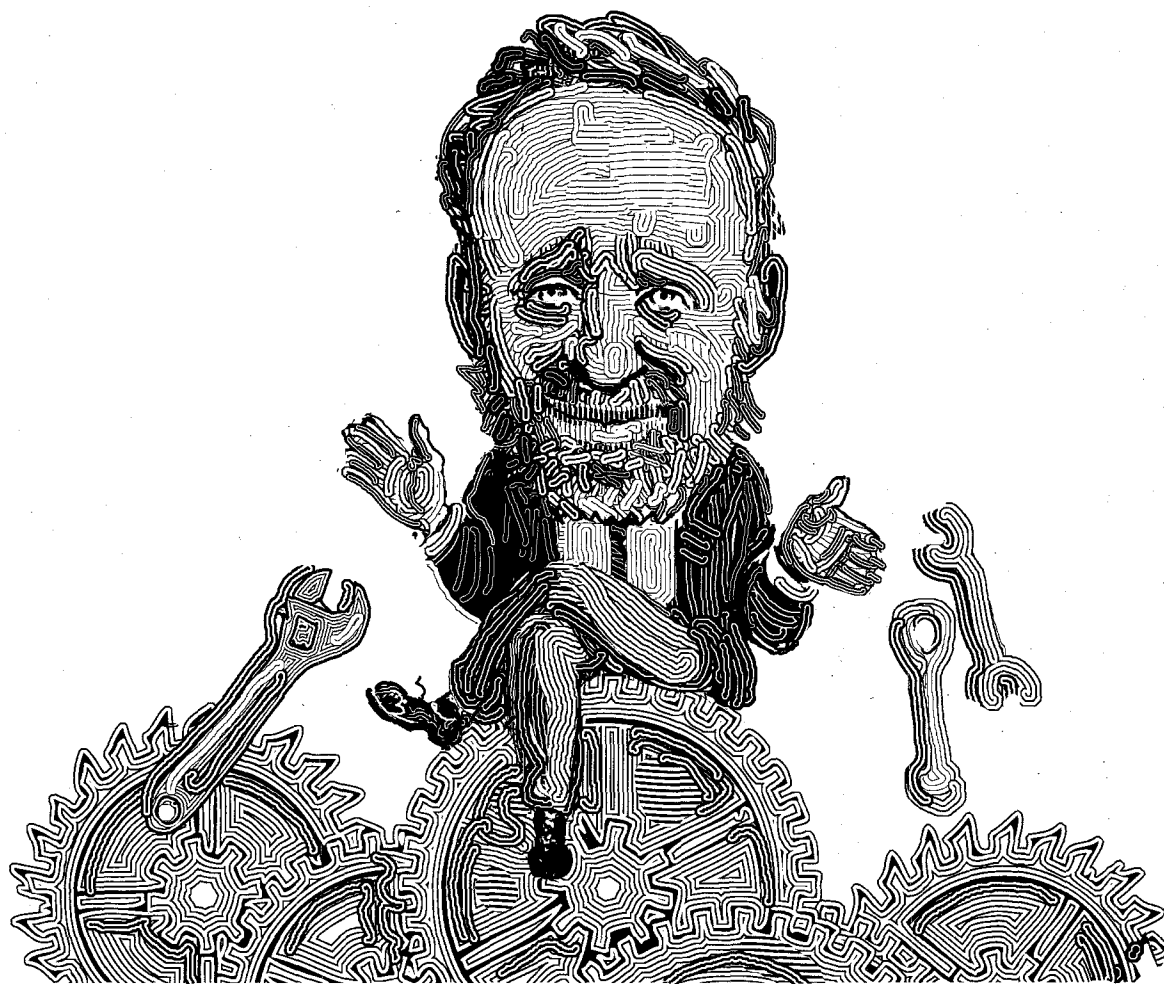
tacked the egotism of Lee Iacocca. He has lost lucrative film deals because he refused to yield his copyright to film studios. He does not suffer slovenly editing, and once instructed an editor who inserted the word "pricey" in his copy to bugger off, though he does use the word "seminal," which has always seemed to me greatly to underestimate the power of semen. Although dependent on publishers, as are all we scribblers, he doesn't in the least mind mocking them. The only authority he submits to is that of sound intelligence allied to the mission of saving what is best in Western culture.

Great fun though it is to read, one has to ask, how high is the truth quotient of *Digital Barbarism* in the picture it presents of the general degradation of modern life? When one allows for Helprin's hyperbole, his ripping tirades, his penchant for amusing over-statement, and allows further for the possibility that he believes he is guilty of none of the foregoing, the truth quotient, it strikes me, remains damnable high. Now in his early 60s, Mark Helprin is old enough to recall another time, with different beliefs, and higher standards, and over a long career he has earned the right to be cranky about its fading away. His fate is not so different than that of the Goncourt brothers, who in 1860 wrote in their journal: "It is silly to come into the world in a time of change; the soul feels as uncomfortable as a man who moves into a new house before the plaster is dry." The question facing Mark Helprin, and us with him, is what the place is going to look like once the plaster has dried.

Joseph Epstein is the author, most recently, of *Fred Astaire* (Yale University Press).

Essay by William Voegeli

LOOK OUT FOR THE UNION LABEL



The jury is still out on whether the traditional union is necessary for the new workplace.

—Robert Reich, 1993

Go back about 50 years, when America's middle class was expanding and the economy was soaring. Paychecks were big enough to allow us to buy all the goods and services we produced. It was a virtuous circle. Good pay meant more purchases, and more purchases meant more jobs. At the center of this virtuous circle were unions.

—Robert Reich, 2009

APPARENTLY, THE JURY CAME BACK. WHEN Robert Reich was Secretary of Labor he was surprisingly equivocal about the value of labor unions—and his misgivings were shared within the Clinton Administration. Ron Brown, Secretary of Commerce from 1993 until his death in 1996, gave unions equally faint praise: “Unions are O.K. where they are. And where they are not, it is not clear yet what sort of organization should represent workers.”

Fast-forward 16 years, and such doubts about unions have all vanished, or at least been silenced. Reich's present position is the new

(and old) liberal consensus—labor unions are indispensable. As *Washington Post* columnist Harold Meyerson says, “The one great period of broadly shared prosperity in U.S. history remains the three decades following World War II, which, anything but coincidentally, is the one period in which America had high levels of unionization.”

If it's obvious to Reich and Meyerson in 2009 that labor unions are essential, why was their value so doubtful to Reich and Brown in 1993? It's an open question because the argument put forward by Reich and Meyerson on behalf of unions is notably thin. Meyerson assures us that strong unions did not just coincide with shared prosperity. Even if that's so, however, the cause-and-effect relation could just as plausibly operate in the other direction: perhaps organized labor is good at exploiting rather than generating prosperity.

Reich makes the formula for prosperity sound suspiciously simple—unions with the leverage to secure big paychecks will activate the virtuous circle of consuming and hiring. If that's all there is to it, it's hard to imagine why a secretary of labor appointed by a Democratic

president could ever have doubted the necessity of unions. The basic facts about the postwar economic boom were as comprehensible in 1993 as they are today.

Cartelizing Labor

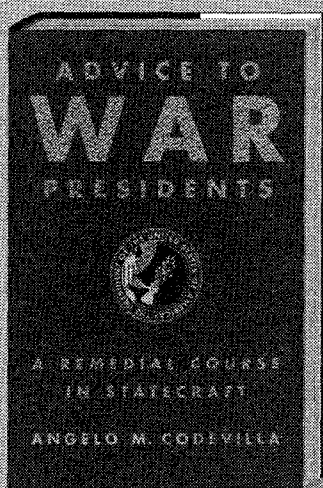
PERHAPS, THEN, THAT'S NOT ALL THERE is to it. Federal judge and ubiquitous public affairs commentator Richard Posner expresses the view of many economists when he calls labor unions “cartels” that exist to redistribute wealth from companies' owners and managers to the unions' members and officers. Employee cartels will fold up if employers can obtain the services they sell on more favorable terms outside the cartel. The leverage unions use to redistribute wealth is based on their ability to make this more trouble than it's worth. Thus, unions derive their power from making life unpleasant, and sometimes dangerous, for “scabs” who cross picket lines, and firms that hire from outside the cartel or balk at its terms.

One corollary of Reich's (current) praise for the leverage unions exert is the proposition that

"Machiavelli could not have written a better book to give advice to 'war presidents.'"

—*American Spectator*

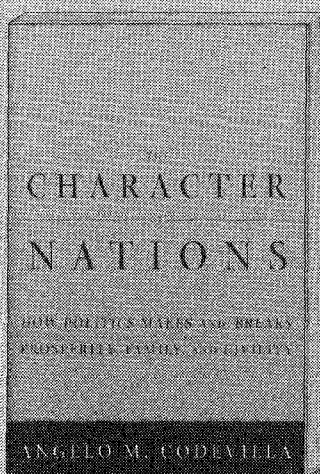
FROM THE DISTINGUISHED
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A CALL TO FUTURE PRESIDENTS TO
PRACTICE STATECRAFT RATHER
THAN WISHFUL THINKING



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economic growth is best served by minimizing profits. The assumption is that workers' paychecks are too small because shareholders' dividends and executives' compensation packages are too big. The AFL-CIO website, for example, maintains an "Executive PayWatch" for those wondering, "Is your CEO raking in the big bucks while running the company into the ground?"

In *What Do Unions Do?* (1984), an influential treatise on labor economics, the economists Richard Freeman and James Medoff argue that unions are indeed "harmful to the bottom line of company balance sheets." Yet, they say, the "paradox of American unionism" is that a strong union movement promotes a "thriving market economy" even while reducing corporate profits. The beneficial aspect of unions is that they can and often do enhance productivity. Unionized workplaces will be more productive than non-unionized ones to the extent that labor unions increase the likelihood of good industrial relations. Freeman and Medoff believe the quality of industrial relations in unionized firms varies greatly, and is often dysfunctional—but is also good enough, often enough, for unionization to be, on balance, beneficial.

The idea of private firms that, by virtue of being unionized, are simultaneously less profitable and more productive may seem like a contradiction, not a paradox. The best thing to be said for Freeman and Medoff's thesis is that it's not as crazy as it sounds. A unionized firm *could* be more productive than a non-unionized one if, by virtue of more efficiently utilizing employees with higher morale, it generates quantitatively or qualitatively superior outputs from any given basket of inputs—raw materials, capital, and labor. Furthermore, if the more productive unionized firm is forced to yield a larger share of its revenues to employees who are union members than it otherwise would, then it will also be less profitable.

The problem is that although unions' ability to reduce profits is easy to understand, and their record of doing so unassailable, the argument and evidence that unions enhance productivity is more elusive. When a union uses its leverage against an employer to direct a larger portion of the revenue stream to the union members than they would receive in the absence of the union, it is acting, in Freeman and Medoff's analysis, as a classic monopolist. The consequence of cartelizing the labor market an employer faces is to force that employer to pay more than it would if individual workers were bidding against one another to sell their services.

How *much* more a particular union can extract from a particular employer will depend on factors over which each will ordinarily have little control. The biggest is that a union's monopoly

power vis-à-vis an employer depends heavily on the employer's monopoly power vis-à-vis the consumers of the products and services it provides. The golden age of the United Auto Workers (UAW), for example, was also the heyday of Detroit's Big Three. The union had the most success in pressing contract demands against the automakers when the companies had the greatest ability to pass those costs along to the consumer. The path of least resistance for auto executives under those circumstances was to accede to the union's demands rather than allow profitable factories to be idled by strikes. The UAW declined as the growing popularity of foreign cars eroded Detroit's ability to set prices and maintain profit margins.

Self-Interest Wrongly Understood

IN 2008, WHEN A MERE 7.6% OF ALL PRIVATE-sector workers belonged to labor unions, 26.9% of utility companies' employees did so—utilities being, in most cases, regulated monopolies retaining considerable power to set their own rates. And, of course, the only "industry" where unions have flourished in the past 40 years has been government, the ultimate monopoly. The same Bureau of Labor Statistics report shows that 36.8% of public-sector employees were union members last year. (To put the point another way, while private-sector workers were more than five times as numerous as public-sector ones in 2008—108 million compared to 21 million—the number of private-sector unionized employees was only 6% larger than the number of public-sector ones, 8.3 million versus 7.8 million. Unless the trends that have held for decades are reversed, the majority of American union members will soon be government employees.)

Apart from the employer's power to dictate terms to its customers, the leverage any particular union can exert will often depend on essentially arbitrary factors. As Mickey Kaus wrote in 1983:

Some industries are extremely vulnerable to strikes—industries that deal in perishable goods, for example, or industries (e.g., Broadway theaters) where you can set up a picket line that will intercept a lot of customers. In other industries, advances in technology have weakened the power of strikes, as petroleum and chemical workers discovered when they walked out and found that skeleton crews of supervisors could run computer-controlled refineries for a long time. Did the chemical workers deserve to be paid less simply because their industries had become more strike-proof?

The "bargaining leverage" that Robert Reich praises will vary widely among different industries, in ways weakly correlated to any coherent theory of distributive justice. The most successful union leaders will be those who shrewdly assess just how much leverage they *do* have, and bargain for their members without either overplaying or underplaying their hand.

The death spiral of America's auto industry, however, reveals America's most important industrial union to be a matchless practitioner of self-interest wrongly understood. The UAW's posture toward the auto industry has consistently violated a fundamental Darwinian precept: healthy parasites figure out ways to avoid killing the host organism. Last year *BusinessWeek* took note of the concessions the UAW, led by its president Ron Gettelfinger, had made to the Big Three when the most recent contract was negotiated. It also noted that, from the industry's perspective, the problem is,

Gettelfinger made those key concessions starting in 2005, but not until Ford and GM were reeling toward massive losses. The union has never given enough to get the companies ahead of the curve. "It's always a day late and a dollar short," says one former GM executive.

"Gettelfinger isn't the problem," according to Kaus. Rather, "[t]he problem is the system, the American adversarial labor-management negotiating system, in which reasonable people doing what the system tells them they should do wind up producing undesirable results." In that system, "negotiating ponderous 3-year contracts (in which Gettelfinger must extract every possible concession to please the members who elected him) means contracts adjust too slowly to save the companies from failure if market conditions change."

The 2005 contract, for example, stipulated that the wage and benefit package for new hires would be considerably leaner than ever before—less costly, even, than for starting employees at non-union auto plants operated in the U.S. by foreign companies. The problem, however, is that there haven't *been* any new hires at the ever-smaller Big Three since 2005. The sort of concessions that might actually help render the U.S. auto companies viable would be actual pay cuts for actual workers, as opposed to hypothetical cuts for prospective ones. But union leaders hold their positions based on what they deliver for today's workers, not for those who might be hired in the future. As *BusinessWeek* recounts:

How did [Gettelfinger] sell the [2005] concessions to his members? None of the current workers lost much of anything.

They kept their pay, and their health-care benefits are still first-rate. Anyone losing a job got buyouts averaging more than \$100,000, and they typically head into the pension rolls.

Bitterly Adversarial

MAKING FREEMAN AND MEDOFF'S PARADOX work is so difficult because profitability and productivity are closely related. More profitable firms aren't distinguished solely by the better golf courses on which their executives and shareholders play. They also have a greater ability to invest in research, to generate new and better products and services, and to develop and utilize better production facilities and technologies. To be more productive, in other words. Capitalism requires capital, after all, and profits create it.

For labor unions to enhance productivity while reducing profits, they would have to play an indispensable role in establishing a workplace environment that is more collegial and goal-oriented than in non-unionized firms. That is, the consequences of good industrial relations would have to be so beneficial that unionized firms could thrive by virtue of receiving a smaller share of a larger revenue stream. Non-unionized firms, by the same measure, would suffer because even though they retained a larger portion of total revenues, those revenues would be significantly smaller than they would have been if labor unions were organizing, guiding, and motivating employees.

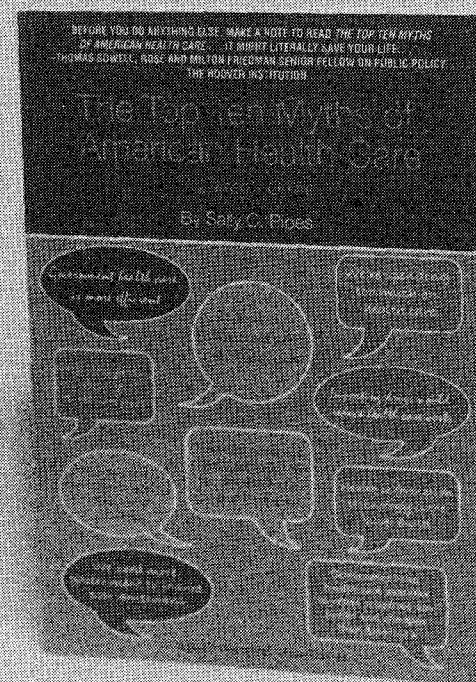
To make their case, Freeman and Medoff borrow their analytical framework from Albert Hirschman's influential work in political theory, *Exit, Voice, and Loyalty* (1970). The "monopoly face" of labor unions is "socially harmful," Freeman and Medoff argue. In that respect, unions' power is based on denying the possibility of exit—either of workers from unions, or firms from labor markets controlled by unions. Nonetheless, the "voice/response face" of organized labor will be beneficial, according to Freeman and Medoff, if management can "adjust to the union and turn unionism into a positive force at the workplace." The efficiency improvements will include lowered costs of training and recruitment, apprenticeship programs that upgrade and certify workers' skills, and "more rational personnel policies" that "raise productivity by reducing organizational slack."

The relationship between unions and employers is inherently and often bitterly adversarial with respect to the fundamental question of compensation. As a result, turning unionism into a positive force is going to be miraculous more often than it will be merely paradoxical. The idea that unions, in their capacity as mo-

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"Americans can only hope that in a bipartisan moment, President Obama picks up a copy of this excellent work."

— Doug Bandow, *Washington Times*

"I generally approach the task of reading any detailed analysis of public policy with the apprehension of taking an emetic. Reading *Ten Myths* was however more like eating birthday cake (or other forbidden fruit). The president keeps saying how much he wants debate on his proposals. I think Sally Pipes is ready to give him all, and even more than all, than he might wish on the subject of health care."

— Harry V. Jaffa, *the Claremont Institute*

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Being Naïve

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bankruptcy of socialism, the Clinton liberals sought a "third way" between relying on markets and relying on the State. In the new workplace the industrial relations conflicts that had enervated American industry would be triangulated. Unlike the old, adversarial firms where owners owned, managers managed, and workers worked, the new one would thrive by having "stakeholders" collaborate. Everybody would be involved and nobody would really be in charge.

The Obama liberals, by contrast, know which side they're on. The collapse of the Soviet Union was long ago, but the collapse of Lehman Brothers is recent, vivid, and important. The position staked out by the Obama Administration "reverses and repudiates the economic philosophy that has dominated America since 1981," Robert Reich wrote in March. It repudiates, that is, both the Reaganites who espoused that philosophy and the Clintonites who felt the need to accommodate it.

As a result, liberalism is back where it started. Conservatives can relinquish their hopes, and paleoliberals their fears, that the Obama Administration will be guided by pragmatists who have learned from Friedrich Hayek to respect markets' usefulness and government's limits. Franklin Roosevelt asserted in 1932 that business leaders "must, where necessary, sacrifice this or that private advantage; and in reciprocal self-denial must seek a general advantage." The government would be standing by, FDR promised, if they were slow to work out the desired arrangements. One administration official told the Senate in 1933, "We have reached a stage in the development of human affairs where it has become intolerable to have our primitive capitalistic system operated by selfish individualists engaged in ruthless competition."

By the time the Supreme Court put Roosevelt's National Recovery Administration out of its misery in 1935, however, even the most committed New Dealers had stopped defending it. This vehicle for the renunciation of private advantage was supposed to be a set of agreements, crafted by each industry, that codified pricing, business practices, and labor relations, and which acquired the force of law upon the president's signature. According to historian David Kennedy, the "lamentably predictable results" were, instead, "codes that amounted to nothing less than the cartelization of huge sectors of American industry under the government's auspices." What's more, "NRA mushroomed into a bureaucratic colossus," under which even running a hardware store required compliance with 19 separate codes.

The spirit of the New Deal agriculture policies lives on in farm subsidies that no liberal

intellectual defends on the merits, and which no administration or Congress can dismantle. The subsidies are a textbook example of client politics, where the benefits are concentrated on a small segment of the small agricultural sector, while the costs are distributed across the broad public. The public bears the costs twice, in fact—as taxpayers financing the farmers' subsidies, and as consumers buying artificially expensive food.

The organization of the labor market under Wagner Act unionism, according to Posner, is of a piece with the New Deal's efforts to cartelize industry and agriculture. During the brief neo-liberal moment at the dawn of the Reagan era, unionism was as intellectually disreputable on the American Left as farm subsidies. The editor of the *Washington Monthly*, Charles Peters, wrote in 1983 that he favored "freeing the entrepreneur from economic regulation that discourages desirable competition," but did not support "unions that demand wage increases without regard to productivity increases. That such wage increases have been a substantial factor in this country's economic decline is beyond a reasonable doubt."

Re-unionizing America

AMONG THE WAYS IN WHICH THE OBAMA Administration is not letting the economic crisis go to waste is by making clear that liberalism is rushing back to the pre-Reagan era, when sensible thoughts such as Peters's were banished from acceptable discourse. 2009 is 1933 all over again, when the creation of wealth was morally repugnant and, somehow, economically irrelevant, while the governmentally sanctioned reallocation of wealth from the less to the more deserving was the necessary and sufficient condition for social justice. Walter Reuther was acting as a good unionist and a good New Dealer in 1946 when he led a UAW strike against General Motors over his demand for a 30% wage increase coupled with a freeze in the retail price of all G.M. cars. Barack Obama is doing the same today, when he uses taxpayer funds to buy the Chrysler corporation for his supporters in the autoworkers' union, then publicly berates the "small group of speculators" who had the temerity to complicate his plan "by refusing to sacrifice like everyone else." That is, they wouldn't drop their demand for the return of an inconveniently large fraction of the money they had lent the company.

The same contempt for the neutrality of law—the same "by any means necessary" spirit one expects from a president who got his start in politics as a community organizer—animates

the Obama Administration's support for "card check" legislation that would permit unions to organize workplaces without secret-ballot elections. Even a recent, favorable *Washington Monthly* article on the "Employee Free Choice Act" (EFCA) by T.A. Frank admitted, "Card check is worth fighting for—except for the 'card check' part." Unfortunately, the card check part isn't even the worst part of EFCA, which would allow government arbitrators to set wages, benefits, and work rules in a two-year contract if newly unionized firms and the union representing its workers do not arrive at a negotiated deal. We've seen how even-handedly the Obama Administration treated labor and management in forging a packaged bankruptcy plan for General Motors. A memo from UAW to its G.M. members on the eve of the bankruptcy filing assured them that the union's "concessions" involved "no loss in your base hourly pay, no reduction in your healthcare and no reduction in pensions."

The question is whether, in their exhilaration at being free at last to ignore markets and their defenders, Obama liberals will forget the excesses caused by the hostility to markets, excesses that brought conservatives to power. If liberals rediscovering their inner unionist want to look at a really vigorous labor movement, they can revisit the Great Britain that turned to Margaret Thatcher 30 years ago, after it had become unclear, in George Will's words, whether Parliament or the labor movement actually ran the country. Long before Obama appointed Steven Rattner to oversee the restructuring of the American automobile industry, Rattner had been a reporter for the *New York Times*. In that capacity he visited Ford's plant in Halewood, England, in 1981, where he discovered that the factory had been shut down by 20 strikes that year—which sounds bad, but was a big improvement from the 300 it had endured in 1976. The state of industrial relations at the factory was such, according to Rattner, that "one worker greeted a news photographer by exposing himself."

Whatever Halewood may have lacked—productivity, quality, collegiality, decency—it had plenty of the union bargaining leverage that Reich singles out now as the crucial element to make America's economy soar. We may get the chance to learn whether the re-unionization of America will lead to Reich's virtuous circle, or to one of the more hellish ones described by Dante.

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Book Review by Alonzo L. Hamby

FDR's LONG SHADOW

New Deal or Raw Deal? How FDR's Economic Legacy Has Damaged America,
by Burton W. Folsom, Jr. Threshold Editions, 336 pages, \$27

*Traitor to His Class: The Privileged Life and Radical Presidency of
Franklin Delano Roosevelt,* by H.W. Brands. Doubleday, 896 pages, \$35



DEAD AND GONE FOR 64 YEARS, FRANKLIN Roosevelt remains vividly among us in spirit at a time of financial collapse and widespread fears of another Great Depression. No American president save perhaps George Washington so thoroughly imprinted his personality on his own era. Only Abraham Lincoln has rivaled him as a biographical subject equally attractive to scholars and popularizers. (I am at work on my own FDR biography, grappling with the same issues that emerge in the books discussed here.) Since Roosevelt's death in April 1945, liberal Democrats have hoped for his reincarnation, only to be disappointed to one extent or another by successors from Harry Truman to Bill Clinton.

As we face an uncertain economic future, policy wonks argue the relevance of FDR's New Deal and politicians strive to emulate his charisma. Editorial cartoonists have already depicted President Obama sporting a jaunty FDR-style cigarette holder. Obama and the people around

him appear to have given serious study to Roosevelt's presidency and hope to profit from its example. Conservatives retort that the New Deal was a crashing failure. Both sides, however, agree that a political agenda which sputtered to an end 70 years ago has considerable relevance to the world of today.

Burton Folsom, Jr.'s *New Deal or Raw Deal*—introduced by Stephen Moore of the *Wall Street Journal* editorial board, and blurbed by George Gilder, Walter Williams, and the late William F. Buckley, Jr.—charges into the fray with the zeal of free market evangelism. Folsom is a professor of history at Hillsdale College and senior historian at the Foundation for Economic Education. The latest in a series of New Deal critiques from the Right, his book scores policy points with abandon, but, relying heavily on the invocation of classical economic theory, it lacks the contextual richness of Gene Smiley's *Rethinking the Great Depression* (2002) and the human interest of Amity Shlaes's *The*

Forgotten Man: A New History of the Great Depression (2007). Folsom's ultimate goal—the destruction of the myth of Franklin Delano Roosevelt—remains a stretch.

By the strict definition of an economic turnaround—a decline in Gross Domestic Product—the Great Depression began in 1930, bottomed as Roosevelt took office in 1933, and, depending on the mode of measurement, did not end until 1939 or 1940. Double-digit unemployment, according to estimates by economists Richard Vedder and Lowell Gallaway, began in November 1930, and did not end until the third quarter of 1941. Clearly, if the New Deal is to be judged as an economic recovery program, it was a debacle.

Liberals generally have admitted that the New Deal failed to end the Great Depression but assert that it at least reduced unemployment, gave vital assistance to millions of needy individuals, and achieved far-reaching reforms to establish a more equitable society.

Roosevelt's great mistake, they argue, was a fiscal conservatism that led him to recoil from pumping sufficient Keynesian stimulus into the economy.

OF COURSE, NO ONE CAN ACCUSE ROOSEVELT of starting the Depression. Folsom delights in using the ear-grating phrase "Democrat Party" whenever he is forced to mention the dark side, but he is no mindless partisan. Writing as a principled free-market conservative, he indicts Herbert Hoover for making a recession into a depression by signing the Smoot-Hawley tariff, attempting to support agriculture through the expensive and ineffective Federal Farm Board, trying to revive the industrial and financial sectors with the equally ineffective Reconstruction Finance Corporation, and enacting a major tax increase. He also criticizes Hoover's Federal Reserve for raising interest rates as the economy tanked and for remaining passive amid the waves of bank failures that wiped out so much of the savings of the middle class. (Surprisingly, he does not go after Roosevelt's Fed for its mistakes, which contributed to the economic downturn of 1937-38.) Essentially he accepts the premise that much of the early New Deal was, as someone quipped long ago, Hooverism on steroids.

Still, Folsom is aggressively prosecutorial toward Roosevelt, and he makes numerous good points. His easiest target is the National Recovery Administration. Its attempt to organize American industry degenerated into egregious overregulation that tied the economy in knots, allowed large operators to squeeze out small ones, and stymied recovery by fixing prices and wages at unrealistically high levels. In general, he shows that the New Deal programs generated winners and losers along lines that bore scant relationship to the divisions between rich and poor. Successful at raising the prices of farm commodities and employing a processors tax to pay for the agricultural program, for example, the Agricultural Adjustment Administration also made the price of food higher for ordinary people and did little for subsistence farmers. Various New Deal attempts to establish minimum-wage levels made life a bit easier for the employed but shrank the supply of jobs.

Jobs and consumers took hits also, as a result of the decision to maintain Smoot-Hawley as the nation's basic tariff. The New Deal's major international trade initiative, a reciprocal trade agreements program, was more hype than substance. At no time in the 1930s did the volume of U.S. foreign trade exceed that of 1929. In addition, Folsom might justly have attacked Roosevelt's scuttling of the 1933 World Economic Conference's effort to stabilize currencies and restart international trade.

The New Deal ostentatiously soaked corporations and the rich, but it also quietly tapped the pockets of the poor and the middle class. By 1935, invisible federal excise taxes produced a bit more than two and a half times as much federal revenue as did the income tax. The Undistributed Profits Tax of 1936 dealt another blow to recovery by implicitly rejecting the common-sense maxim that businesses needed to retain cash reserves. The Social Security program was funded by a regressive payroll tax that sucked worker purchasing power out of the economy.

Folsom convinces with his economic argument but runs into trouble when he wrestles with the problem of how and why economic failure translated into enormous political triumph. He is as much a moralist as an economist, motivated

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by a mainstream conservative ethic that appears to be derived about equally from 17th-century Calvinism and from Adam Smith. He indicts Roosevelt for deception, alliances with shady political machines, and, above all, the lavish use of "patronage" in the form of jobs and benefits. "FDR + \$ in patronage = reelection," he tells us. The equation is a neat one, expressed in a way calculated to generate reader disapproval. But it, and much of the narrative, is an exercise in abstraction, disassociated from the reality of economic catastrophe. Roosevelt took office amidst 28% unemployment. A democratic electorate demanded big federal relief programs and cared little if they were politicized.

THERE IS A COMMON TENDENCY AMONG historians to describe Franklin Roosevelt as a non-ideological pragmatist, so unsystematic in his policy thinking as scarcely to merit a philosophical characterization. Yet from the beginning of his political career, FDR embraced the terms "progressive" and "liberal." Not a theorist, he had a clear sense of direction and a strongly felt ideological identi-

ty. The New Deal, in both its successes and failures, was a faithful representation of the main tendencies of American liberalism in the first half of the 20th century.

Roosevelt's New Deal could have profited from a greater appreciation of market theory, but it did rightly grasp that the free market, if more efficient than bureaucratic management, is also pitiless and amoral. In times of economic distress the market inflicts damage on the just and unjust alike. Folsom averts his eyes from these unfortunate consequences. Despite mountains of evidence to the contrary, he insists that private charity was meeting the needs of the unemployed and dispossessed. He misses the common denominator of American citizenship when he attacks the way in which relief programs in effect took money from "frugal and thrifty states" and redistributed it to "inefficient and manipulative states." He even appears to assume, without any case law to support his position, that the federalization of relief was unconstitutional. He asserts that New Deal relief "profoundly changed the American work ethic," but provides little evidence for the declaration.

Folsom is critical of Rooseveltian monetary tinkering. During the first year of his administration, FDR mandated the forced exchange of privately held gold coins and bullion for paper money. For nearly three months he capriciously changed the Treasury price of gold on a daily basis, finally effecting a major dollar devaluation by revaluing gold from \$20.67 per ounce to \$35. He abrogated clauses in commercial contracts mandating payment in gold at the older value. Traditional moral instincts tell us that these practices were not right, but they failed to have the inflationary impact that might have been expected and do not appear to have prolonged the Depression. The author correctly deplores the egregious Silver Purchase Act but has to admit it was foisted on the administration by Congress.

Roosevelt, Folsom tells us, should simply have balanced the budget, cut taxes, and lowered the tariff. Presumably the free market would then have taken care of the Depression. The specific advice on taxes and tariffs is good, but budget-balancing with more than a quarter of the labor force out of work is a non-starter. The New Deal pretty clearly over-regulated and overtaxed; its leaders were too prone to resort to a business bashing that got in the way of recovery. Nevertheless, it aided millions of people attempting to deal with hard times for which they were not responsible and which they did not understand. This does not excuse its failure to restore prosperity, but does explain why the opposition remained on the outside.

Roosevelt himself was a moral mixture—charismatic and caring, self-centered and power-grabbing, alternately a uniter and a divider.

Folsom amply displays the president's unattractive side in such issues as the effort to prosecute former Secretary of the Treasury Andrew Mellon for tax evasion, the attempt to pack the Supreme Court, and the failed "purge" of the Democratic Party. He might also have given attention to executive reorganization efforts that would have brought quasi-independent regulatory agencies under White House control.

Still, the author goes far over the top with a chapter that purports to show "how FDR's deception tarnished the presidency forever." It is graced by dubious stories from the memoirs of Roosevelt-hating crank Walter Trohan. The most entertaining anecdote involves alleged trysts in the presidential private railway car with Princess Martha of Norway, who would emerge clad "invariably in high-heeled slippers and black silk hose." The policy implications are unclear.

IN SHARP CONTRAST TO FOLSOM'S FOCUSED policy study, H. W. Brands's *Traitor to His Class* is yet another large one-volume comprehensive biography of Roosevelt—although at 896 pages it does not present as great a threat to a careless reader's foot as Conrad Black's 1,296-page tome. A professor of history at the University of Texas, Brands is the author of around 20 books, spanning three centuries and widely diverse in topic. His introduction poses some important questions about Roosevelt's personality: Why did he become a radical critic of the established order? What were the sources of his governing philosophy? His enormous confidence? His apparent serenity in the face of personal and national crisis? For the most part, however, these queries are left unanswered and are perhaps unanswerable.

What we do get is a nice enough narrative, a bit light on detail and sometimes careless. Its coverage of Roosevelt's pre-presidential life is peppered with enough small errors to make one uncomfortable about the depth of the author's research. A very glaring omission is the absence of almost any information about FDR's

accomplishments and failures as governor of New York. The account of his first two terms as president is adequate, if generally uncritical, and seems to be guided by the idea that the reader should not be confused by a deluge of facts.

The best developed and most successful part of the biography is its coverage of Roosevelt's years as a war leader. Roosevelt, Brands believes, needs to be understood primarily as a foreign policy realist in the pursuit of idealistic goals—one who knew that power was the basis of international diplomacy and possessed an acute long-range view of the world.

The president early recognized the threat of Nazi Germany and did what he could to warn an isolationist nation. After war began in Europe, he moved the United States steadily, if gingerly, toward an alliance with Great Britain, and steered aid to the Soviet Union after it was invaded in June 1941. He correctly saw Germany as a threat of the first order and discounted Japan as a second-class power. Not a Pearl Harbor conspiracy theorist, Brands admits there was a lot of deception in Roosevelt's maneuverings. By the fall of 1941, he convincingly asserts, the president wanted to provoke a war with Germany, but not with Japan.

After Pearl Harbor had taken the United States into the war, American industrial might and military power allowed Roosevelt effectively to take control of the Anglo-American alliance and shape a vision for the postwar world that juggled two concepts. To Americans and a larger international public, he justified the war in neo-Wilsonian rhetoric as a struggle for a new day in which liberal-democratic values fostered by a United Nations organization would achieve global supremacy. In his private diplomacy, he understood that democracy would not flower everywhere with the defeat of the Axis and envisioned a world order managed by Four Policemen—the United States, the Soviet Union, Britain, and China.

He pretty clearly also realized that there would be only two truly great postwar powers—the U.S. and the USSR. Thus he put great

stock on developing a personal relationship with Soviet dictator Joseph Stalin and was clearly willing to concede him a sphere of dominance in Eastern Europe. At one level, the goal seems to reflect Roosevelt's realistic appreciation of power balances; at another, it appears hopelessly clueless about the character of Stalinist Communism. The author, like most historians who have written on this difficult topic, is better at laying out Roosevelt's attitude than at explaining its persistence through the frequently difficult relationship with the Soviet Union during the war.

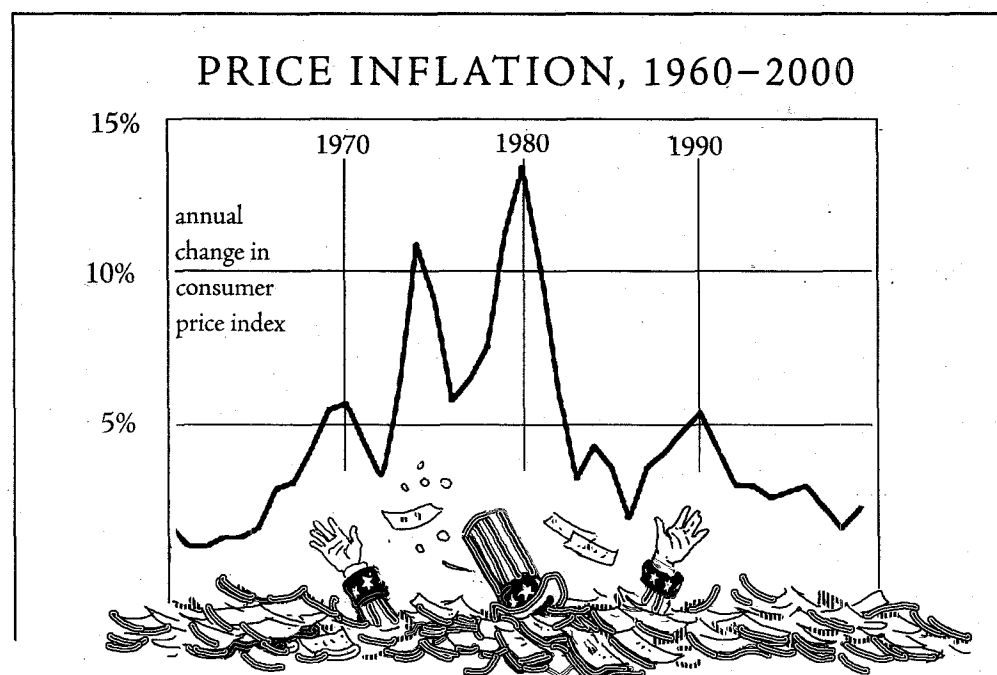
THERE IS AN OBVIOUS ANSWER THAT liberals have averted their eyes from and that conservatives have asserted with an air of categorical moral condemnation. Roosevelt was surely a foreign policy realist, but he was also the personification of the liberalism of his day as much in his diplomacy as in his domestic policies. In the fevered atmosphere of World War II, most American liberals considered the Soviet Union a great ally against the fascist menace and, by implication, a progressive force in the world. The burden of the available evidence is that Roosevelt shared this view. Whether he would have retained it after 1945 or, like the bulk of American liberalism, have moved reluctantly into a Cold War with the USSR, can only be a matter of speculation.

Winston Churchill, the conservative hero, was more farsighted, but, for all his courage and eloquence, incapable of winning World War II. Only Roosevelt, however flawed his vision, was capable of exercising the charismatic leadership, commanding the resources, and making the compromises necessary to save Western civilization. His success in this endeavor deserves our respect and appreciation.

Alonzo L. Hamby is Distinguished Professor of History at Ohio University and the author, most recently, of *For the Survival of Democracy: Franklin Roosevelt and the World Crisis of the 1930s* (Free Press).

LOWERING THE BOOM

The Great Inflation and Its Aftermath: The Past and Future of American Affluence,
by Robert J. Samuelson. Random House, 336 pages, \$26



IN *THE GREAT INFLATION AND ITS AFTERMATH* Robert Samuelson calls the period from the mid-1960s to 1982—when the United States (and much of the world) underwent a long, debilitating era of inflation—“the lost history.” Given the sweep of the disaster, he is surprised that this bitter experience has been largely forgotten, and he has undertaken to recover it in his new book, “lest the entire episode vanish from our collective consciousness.”

A highly respected economic and political columnist for *Newsweek* and the *Washington Post*, Samuelson does more than just admirably chronicle the era. He argues that the Great Inflation’s aftermath has profoundly influenced our economy to this day. The origin of last year’s housing collapse, for example, “lay in lax lending practices; but the backdrop and inspiration for those lax practices were the expectations of perpetually rising real estate values that were sown in the [post-1982] climate of disinflation and falling interest rates.” This post-inflation surge had played itself out by 2007, Samuelson contends. Even without our current troubles, we were due for a period of much slower growth.

The Great Inflation was not one uniform economic crisis, but three increasingly punishing rounds of rising prices followed by ever more severe recessions to try to bring the inflation fever down. The first round began in the late 1960s and was commonly and mistakenly blamed on the Vietnam War. (Previous out-

breaks of inflation had always been directly related to major wars and their unwinding.) When Richard Nixon took office in 1969, rising prices were a hot political issue. The Federal Reserve tightened the money supply, Nixon tried to restrain federal spending, and the economy went into reverse. With the unemployment rate almost doubling to 6% in 1970 and price increases slowing only minimally, Nixon in desperation imposed wage and price controls the following year. Stocks, which had slumped almost 35% from their peak in 1966, rallied. Interest rates came down, and economic growth surged. Before the imposition of wage and price controls, 73% of Americans had opposed President Nixon’s economic policies; afterwards, 75% gave him a thumbs-up, and in 1972 he won reelection by one of the biggest landslides in American history.

Yet soon after his second inauguration, prices skyrocketed again, wage and price controls returned (after they had been gradually relaxed starting in October 1971), and the president’s popularity suffered. The Fed tightened again and unemployment reached 9%—a post-Depression high at the time—before inflation, running 11% annually at its height, went into remission. After a painful recession, the economy expanded and stocks went up, but it wasn’t enough to save the Republicans from Nixon’s excesses, or Gerald Ford from beltway outsider Jimmy Carter’s challenge in 1976. Carter, however, fared little

better, presiding over the worst period of inflation yet, with prices rising at a nearly 14% annual rate by the end of his term.

INFLATION IS A MONETARY PHENOMENON. Why did it take policymakers nearly a decade and a half before they dealt decisively with rampant inflation’s cause? Samuelson’s argument is that such a confrontation was politically impossible until Americans had suffered through the stagflation of the late 1970s.

Stable prices provide a sense of security. They help define a reliable social and political order. They are like safe streets, clean drinking water and dependable electricity. Their importance is noticed only when they go missing. When they did in the 1970s, Americans were horrified.... [Inflation] was a deeply disturbing and disillusioning experience that eroded Americans’ confidence in their future and their leaders.

Articles and books at the time argued that inflation proved democracy was a failure because, in the long run, the system undermines itself: citizens won’t govern their own appetites, and politicians, always chasing votes, are unable to restrain or properly direct public appetite through law. Henry Kissinger and others foresaw America’s irrevocable decline. President Carter embodied

the idea of a permanent malaise overhanging the nation. Apparent weakness abroad—evidenced by, e.g., the Soviet invasion of Afghanistan and spreading Communist power in Africa, the Caribbean, and Central America—deepened the fear that America's best days were behind her.

Yet, this bleak economic and political climate helped Ronald Reagan win the presidency in 1980, and he took office determined to stamp out inflation once and for all. With Reagan's tacit but unshakable support, Federal Reserve Chairman Paul Volcker (appointed by Carter in August 1979) instigated a ferocious credit squeeze. Unemployment soared to almost 11%. In August 1982, Volcker finally eased up: inflation was dead. Samuelson contends that this achievement—not the Reagan tax cuts or Silicon Valley innovations—sparked the subsequent quarter-century boom, an unprecedented era of prosperity both in the U.S. and around the world, punctuated by only two mild recessions.

A LONG THE WAY, SAMUELSON DETAILS what the Great Inflation did to our financial system, which had been predicated on low, stable interest rates. The savings and loan industry (S&Ls), the primary source of home mortgages in those days, became insolvent because the interest on short-term deposits was zooming while yields on traditional mortgages were fixed. The resulting squeeze produced rivers of red ink.

Congress reacted to the plight of the S&Ls with disastrous expedients, which led the companies into binges of wild speculation. That, in turn, led to a catastrophic collapse in the early 1990s which almost sank the financial system.

Samuelson notes that the Great Inflation did lead to the deregulation of rail, trucking, and parts of the banking industry, needed steps on the path to greater efficiency and lower prices. But these benefits meant little to a profoundly demoralized public with little faith in the future.

How did this Great Inflation happen? The origins lay in the understandable desire after World War II to make sure the U.S. never had another Great Depression. Building upon the cult of social science that was so central to the Progressive movement, a new generation of economists—armed with new theories and models that they thought told them how economies work—boasted they would banish the business cycle. There would be no more unemployment-generating slumps, no more over-exuberance on the upside. The Fed and other central banks would aggressively supply money when economic conditions got bad and tighten up on the supply when things began to get frothy. In the memorable words of William McChesney Martin, Fed Chairman from 1951 to 1970: "The job of the Federal Reserve is to take away the punch bowl just when the party is getting good."

Restraint by monetary planners and fiscal fine-tuning by the Treasury Department would ensure perpetual prosperity. This hubris reached its apogee when John F. Kennedy took office and the "new economists" came in with him. Big business, now run more by managers than entrepreneurs, went along eagerly. In return for macroeconomic stability, it gave in to union demands for higher wages, better benefits, and job security. The new economists were to usher in a tamed capitalism. Policymakers came to believe that there was an ironclad but easy tradeoff between inflation and unemployment—if we wanted less unemployment, we accepted more inflation (and vice versa).

But the world isn't so neat and tidy. All this intervention, as Samuelson carefully lays out, ended up making the economy *more* unstable. It was impossible to sustain only a "little bit of inflation." Like a drug, the doses had to be increased over time in order to reach the desired result; the inevitable overdose came in the 1970s. Samuelson maintains that although tough monetary policy could have ended inflation early on, it took the economy's obvious, sustained deterioration to stimulate sufficient political will to apply the cure—in addition to the luck of having a Federal Reserve chairman willing to slam on the breaks, and a president willing to protect him.

GIVEN THE GRIM SITUATION IN THE '70S and then the heroic victory over inflation in the early '80s, why is the whole story so little known, much less celebrated today? Samuelson points to

a collective failure of communication and candor by the nations' economists. Inflation was their doing. It resulted from their bad ideas. There has not been much in the way of public apologies or reprimands. There seems to be an unspoken pact of self-restraint to let bygones be bygones, perhaps out of collective embarrassment or a recognition that dwelling excessively on past failures might compromise economists' projects as government advisers and high-level appointees.

Moreover, there is a defect in the historians' craft that persists today. "Historians don't do economics, and economists don't do history," writes Samuelson. In fact, America's professional historians often take a perverse pride in being economically illiterate. What's more, the experts who fancy themselves competent in both economics and history—journalists—too much "concentrate on the here and now." They tend to be reluctant to describe the kind of underlying causes on which Samuelson focuses. The causes and effects of long-term inflation are not the

kind of facts with which "objective" journalists are comfortable.

ALTHOUGH SAMUELSON'S ACCOUNT GETS the broad story right, he leaves himself open to a few criticisms. Though he is no fan of the Phillips Curve (named after A.W. Phillips, who expounded the supposed tradeoff between inflation and unemployment), Samuelson doesn't really debunk it. In fact, the author occasionally falls under the curve's influence when he doesn't carefully distinguish between price changes that come about because of normal supply and demand factors, and those that are the result of good old-fashioned currency debasement. For example, if doctors announced that eating five apples a day would prevent cancer, apple prices would soar until enough new orchards were planted to catch up with the new demand. Those high prices for apples would not be inflation; they would simply be a response to increased market demand.

More fundamentally, Samuelson is wrong to dismiss the impact of the Reagan tax cuts on our moribund economy in the 1980s. He notes that tax receipts as a percentage of GDP didn't change much and that therefore the tax burden "remained constant." But he overlooks the enormous effect that lower tax rates have on the incentive to invest, take risks, and work more productively. Taxes are the price one pays for working, for boldly taking risks, for being successful. Lower the price of productive work and you'll get more of it. This is exactly what happened on Reagan's watch: the economy expanded, and so did government revenues. Moreover, the tax simplification of 1986, which both lowered tax rates and eliminated loopholes, further liberated entrepreneurs to follow market—rather than governmental—incentives. Killing inflation was a necessity, but without those cuts in tax rates the Reagan boom would never have happened.

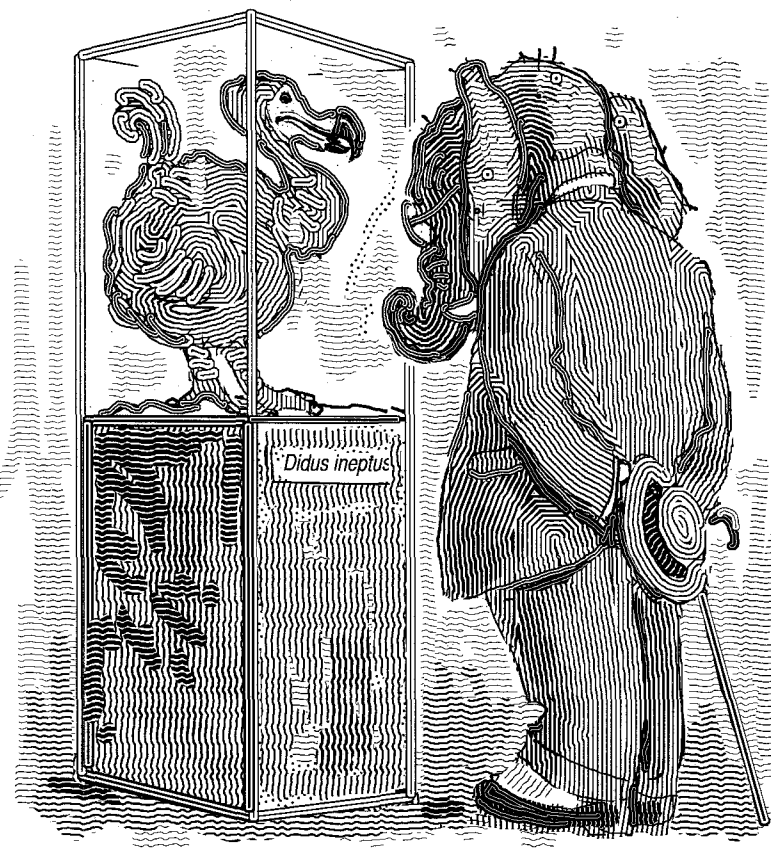
Samuelson also has little to say about the indispensable role gold plays in long-term price stability. The U.S. tied the dollar to gold in 1792, and—except during the Civil War, the two World Wars, and the Great Depression—the link remained until Nixon severed it in 1971. Without gold as a guide—without a link between paper money and a real commodity that is hard to inflate—how can the Federal Reserve, or any other central bank, know if it is creating too much, too little, or just the right amount of money?

Still, the fact that Samuelson gives us so much to chew on proves the ultimate importance and success of his effort. *The Great Inflation and Its Aftermath* is a timely piece of scholarship that will serve us well in the debates now unfolding on the nature and future of democratic capitalism.

Steve Forbes is chairman and CEO of Forbes Media.

Essay by Charles R. Kesler

THE CONSERVATIVE CHALLENGE



IN PRESIDENT BARACK OBAMA, CONSERVATIVES face the most formidable liberal politician in a generation, perhaps since John F. Kennedy and Lyndon Johnson. Mr. Obama led his party to a large electoral victory, winning the presidency with a majority of the popular vote—something a Democrat had not done since Jimmy Carter's squeaker in 1976. In fact, Obama's was the biggest Democratic triumph since LBJ's landslide in 1964. Though he didn't sweep into office as many congressmen and senators as Franklin Roosevelt or LBJ in their big breakthroughs, Obama handily increased the Democrats' control of both houses of Congress, including a Senate that appears filibuster-proof.

Worse still, from the conservative point of view, Obama came into office not as a status quo liberal but as an ambitious reformer. Far from being content with incremental gains, he's gambling on major systemic change in energy policy, health care, taxation, financial regulation, and (soon) education and immigration, one shocking success designed to pave the way for the next, and all understood and pursued as parts of a grand, in his words "transformative," strategy.

Faced with this liberal blitzkrieg, how have Republicans responded? Paralyzed at first by

the rapidity and sheer audacity of the Democrats' advance (and by a plummeting stock market), they hunkered down behind a Maginot Line of safe districts, remembered triumphs, and misaimed slogans, hoping that the Democrats soon would outrun their supply lines or, besotted by success, fall to feuding among themselves. Though their spirit and poll numbers have improved in recent weeks, Republicans and conservatives are still profoundly on the defensive. To discover a way forward, we have to begin by understanding our opponents and learning from our own mistakes.

Follow the Leader

BARACK OBAMA IS IN SOME RESPECTS A NEW political phenomenon. To state the obvious, he is young, gifted, and black, and as Nina Simone sang 40 years ago, "To be young, gifted, and black / Is where it's at"—especially if you're president of the United States. Most Americans feel a certain pride in his achievement. Beyond that, his combination of Ivy League degrees and Chicago street cred, of high-sounding post-partisanship and hard-core self-interest, leaves people guessing. To call this

combination or alternation "pragmatic," as he likes to, is simply to accept his invitation not to think about it.

But in the decisive respect, Obama does *not* represent something new under the sun. Instead, he represents a rejuvenated version of something quite old, namely, the impulses that gave birth, a century ago, to modern American liberalism.

Most political movements in American history come into being to press some putative reform, and dissolve when they have succeeded, or failed, definitively: for example, the anti-slavery and women's suffrage movements, which succeeded, and the campaign for the free coinage of silver, the central demand of late 19th-century Populism, which failed. Prohibition is an interesting case of a movement that succeeded and *then* failed. Modern liberalism is something else again.

Liberalism was the first political movement in America without a clearly defined goal of reform, without a *terminus ad quem*: the first to offer an endless future of continual reform. Its intent was to make American government "progressive," which meant to keep it always progressing, to keep it up to date or in tune with the times. No specific reform or set of reforms could satisfy that demand, and no ultimate goal

could comprehend all the changes in political forms and policies that might become necessary in the future.

Obama's campaign slogans were marvelous examples of such open-endedness. It takes an effort to remember them, so gauzy were they; but last year they galvanized millions of voters in the primaries and general election. "Hope." "Change." These catchwords lack what are called, in grammar, subjects and objects. Who should change, and in what way? Hope for what, exactly? Obama's slightly more elaborated tag lines didn't solve the mystery but merely restated it—as with the catchy "We are the change we've been waiting for." Or that classic of self-actualization, "Yes, we can!" These slogans were meant to discourage deliberation, to hover childlike and dreamlike over all debate; each required some external agent to define it. Together they said, in effect, we are ready to follow a leader who will tell us what to hope for.

Obama wasn't shy about answering this call, but he disclaimed any personal glory in the matter. He was merely—merely!—the incarnation of the people's own hopes, rallying them to the causes latent in their hearts but not yet conscious to their minds or their imaginations. Liberals live in anticipation of such prophet-leaders, who bring an end to the reign of the wicked and move History (and not incidentally, liberalism) forward to its next stage. In the 20th century America was blessed, according to liberal hagiography, with Woodrow Wilson and the New Freedom, Franklin Roosevelt and the New Deal, LBJ and the Great Society. In the new century, Obama is the one whom History has chosen to reveal to us our hidden selves, and bring America to a new consummation, to a higher state of consciousness. He is the liberals' Twelfth Imam.

Being progressives, however, they fully expect there will be a 13th hidden imam, and 14th, and so on. For though liberalism can't specify what the future will look like, it's confident that it will forever be improving. In its early days, liberalism backed up this confidence with science—the latest in university learning, including an unhealthy dose of Social Darwinism. These days it's rare to hear liberals boast of their scientific command of the future, except perhaps in the climate change debate, which they do not consider a debate because Science has spoken, dammit, through that inspired non-scientist, Al Gore. Nonetheless, the sense of privileged wisdom lives on in the Left's congenital fondness for policy "experts" from the very best schools; the Obama Administration is full of them. These experts teach a less bombastic version of what liberals a century ago regarded as the highest truth of the most scientific kind of political science: that the future demands an increasingly powerful, provident, and paternal State.

The Cooperative Commonwealth

THE FUTURE BEING THE FUTURE, HOWEVER, even liberalism at its most self-confident couldn't describe the exact institutions and policies of this new State. These were to be ever evolving, hence impossible to pin down. As William Voegeli has well argued in these pages ("The Endless Party," Winter 2004), ask a liberal how big he wants government to be, how much of GDP he wants it to spend, and you will never get a definite answer. "Bigger" and "more" are the best he can do. In broad terms, however, liberals promised to generate a society more democratic than any that had ever existed, and to administer it with scientific efficiency via a new kind of bureaucratic government dominated by unelected experts.

The "new order of things," to use FDR's term, would feature abundant rights, very different however from the unalienable rights invoked

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in the Declaration of Independence. These new rights originated not in God or nature, as the Declaration taught, but in the State. The character of the rights differed, too. According to the new social contract, government would grant to the people certain socio-economic rights or benefits, bestowed primarily on groups and on individuals only insofar as they belonged to an officially recognized group (e.g., the poor, the mortgaged-deprived). In return for these rights, the people would cede to government ever greater powers. The individual didn't completely disappear from this vision of democracy but appeared in a very different role, as a kind of long-term government project.

The spirit of the old American democracy was free, honorable, independent. The new promised instead a cooperative commonwealth, in which spirited individualism would be social-worked out of folks and it would be hard to tell where democracy ended and socialism began.

The U.S. Constitution was designed for a people who thought republican government a

rare and difficult achievement, one historically prone to degenerate into tyranny, or first into anarchy and then into tyranny. To avert this fate, the founders argued that America would need public virtue and vigilance—expressed in elections and in reverence for the laws and the Constitution—as well as "auxiliary precautions" like federalism, the separation of powers, and the extended nature of our republic. "It will not be denied that power is of an encroaching nature and that it ought to be effectually restrained from passing the limits assigned to it," warned James Madison in *The Federalist*. Despite America's political advantages, he therefore expected it would be difficult to maintain liberty, and that to do so the American people's "jealousy" of governmental power would have to be enlightened and persistent.

Today's liberals assure us, to the contrary, that political tyranny is a virtually extinct threat, save for the occasional throwback like George W. Bush. Why fear Big Government, after all, when the bigger and more powerful it gets, the more rights it can bestow on us?

The Higher Lawlessness

AS A THEME OF POLITICAL DISCOURSE, THE Constitution as a bulwark of *limited* government has quite gone out of fashion. Ronald Reagan was its last great champion. As a theme of constitutional law more narrowly considered, it survives, though largely as an exhibit in the museum of discarded doctrines. For more than a hundred years, liberals have contributed to the Constitution's eclipse by criticizing it as a timebound document, ill-suited to our 19th-, 20th-, or 21st-century realities. At least since Woodrow Wilson, liberal anathemas have been aimed particularly at the Constitution's separation of powers, the alleged cause of the deadlock or gridlock of American democracy, which means the inability of progressives to change our politics as neatly and dramatically as they'd like. This complaint underlies President Obama's insistence on tackling all parts of his agenda at once and as hurriedly as possible. Unless the tempo is *allegro molto* (and he ramped it up to *presto* as the August recess approached), "change" will bog down once more in the normal play of American institutions.

Rather than simply pound away at the old Constitution, however, liberals quickly saw the advantage in reinterpreting it in ways that would be more politically palatable. Collectively, these fall under the rubric of the so-called "living Constitution," a later term for Wilson's effort to read the Constitution as a Darwinian document, whose meaning must evolve with the times, and under whose precepts the national government must be allowed and encouraged to outgrow its old limits and blend its powers

in novel ways. For conflict among the separated powers—a crucial check on tyranny, according to the founders—must give way to *cooperation*, in order to solve modern problems efficiently.

The living Constitution is thus an ever-changing constitution, subject to continual fine-tuning by liberal experts to keep pace with new social problems and putative advances in social justice. It assumes that “change” can never, or only very rarely, be the enemy of good government. In this sense, modern liberalism stands for what might be called the higher lawlessness. This is a two-fold term for a two-faced phenomenon. To begin with, liberalism disputes the notion that there are, or ought to be, higher-law restrictions on what government can do, because these would suggest permanent purposes and limits to the State’s power. So with few exceptions liberals deny that the Constitution has a more or less authoritative meaning expressed in its text and principles; that the principles themselves reflect a higher or natural law distinct from positive law; and that it is incumbent on judges and politicians to adhere to the Constitution as higher law when interpreting statutes and regulations, however popular or progressive these may be.

At the same time, modern liberals deny that the living Constitution represents *mere* lawlessness, an absence of standards or surrender to subjective judgment. What makes their lawlessness *higher* is their faith that it leads upward, that change is almost always something to be hoped for rather than weighed or resisted, that anything really worthy in the Constitution will be preserved or improved by change, and that anything not preserved is, by definition, not worth preserving anyway.

After Reagan

TO AN AMAZING DEGREE, OBAMA’S AGENDA represents a return to liberalism’s roots. Modernized, reenergized, repackaged, to be sure, but recognizable as a new installment of something that Americans have been resisting for a long time. Democrats have been trying to establish a universal entitlement to health care, after all, ever since Franklin Roosevelt in 1944 declared that “the right to adequate medical care and the opportunity to achieve and enjoy good health” was part of what he called “a second Bill of Rights.”

Why then were conservatives caught so flat-footed? In a way, it was Ronald Reagan’s fault, or rather the fault of those who carried on his legacy. Reagan was confident, as he said in 1977, that “we who are proud to call ourselves ‘conservative’ are...part of the great majority of Americans of both major parties and of most of the independents as well.” His point was that when the social conservatives, drawn from “the blue-

collar, ethnic, and religious groups traditionally associated with the Democratic Party,” were added to the economic conservatives, traditionally at home in the GOP and among independents, the result would be a conservative majority that would support what he christened “the New Republican Party.” He was right about that, as the 1980 and subsequent elections proved (and as the 1968 and ’72 elections had already suggested).

He emphasized, however, that it would take “a program of action based on political principle” to unite conservatives into “one politically effective whole,” which would not be “a temporary, uneasy alliance, but...a new, lasting majority.”

Reagan came through with that program of action based on political principle. His successors did not. The confidence that a latent conservative majority existed helped inspire Reagan to activate it, to create it. That same confidence led his successors to take that majority for granted, to “turn out the base” on election day and otherwise say as little as possible about the substance and purposes of serious conservatism.

The assumption that Reagan had achieved a revolution in policy and public opinion led easily to the presumption that his “new, lasting majority” could be counted on. Even when it went AWOL, for instance in Bill Clinton’s victories in 1992 and 1996, or in 2006 and 2008, commentators tended to adjust the facts to fit the hypothesis. Clinton was a rogue, they said, and ordinary Americans like rogues; 2006 showed that the voters, like good conservatives, were fed up with spendthrift Republicans; last year Obama kept talking about tax cuts for the middle class, thus sounding more conservative than McCain. Though there’s an element of truth to each ad hoc explanation, they overlook the obvious: that latent conservatism doesn’t translate into reliable political conservatism, much less into voting Republican, without persuasive appeals, “a program of action based on political principle.”

Reaganesque appeals were few and far between in the post-Gipper GOP. George H.W. Bush, Bob Dole, George W. Bush, John McCain—every presidential candidate, even those who most identified with Reagan, chafed at his legacy and took pains to distance himself from it. True, the distances weren’t great, but they were instructive. Though each candidate was in some sense conservative, none had been of the conservative movement as had Reagan; and so they tried to make a virtue of that fact. From Bush 41’s “thousand points of light” to McCain’s embrace of campaign finance reform and anti-global warming, they sought to soften conservatism’s hard edges, to co-opt some issues of the Left, in general to try to pull conservatism towards the center rather than to try to persuade the Center to move further right.

The corollary of this strategy was the assumption that even as the Right had gone as far as it could, so had the Left. In the 1990s, conservatives concluded that the Reagan Revolution had domesticated and even neutered liberalism. Clinton’s presidency only seemed to confirm this, notwithstanding some doubts on the latter point.

Competing Conservatisms

JUST WHAT IT WOULD HAVE MEANT AFTER Reagan to try to shift the Center rightward is, of course, a major question. After the Soviet Union’s collapse, which occurred on Bush the Elder’s watch but in fulfillment of Reagan’s policies, the definition of conservatism became newly problematic. For anti-Communism and the anxiety over national defense had always been a key third element in Reaganite conservatism and in his New Republican Party. (In his 1977 speech describing the new Republicanism, for example, he spoke at greatest length about foreign policy.) Without the urgent motivation of anti-Communism, conservatism seemed to lose much of its reason for being.

Many observers predicted a crack-up, with the union of social and economic conservatives dissolving in mutual antipathy. That didn’t happen, suggesting that the two constituencies had more in common than it seemed. What ensued in the 1990s was a series of attempts to redefine conservatism for the post-Cold War age. The two most interesting efforts were Newt Gingrich’s “Third Wave” and George W. Bush’s “compassionate conservatism.”

Gingrich’s was a striking form of progressivist conservatism; it was almost an inverted Marxism. Mixing wildly disparate sources ranging from Alexis de Tocqueville to techno-futurist Alvin Toffler, Gingrich argued that the Right was now on the right side of history. In speeches and best-selling books, he explained that politics is shaped decisively by technology and the prevailing means of production. In the Second Wave, the economics of the industrial revolution and mass production had dictated the one-size-fits-all, big-government policies of the New Deal. But with the advent of the personal computer and the information revolution, politics would be demassified, individuals empowered, and a new era of entrepreneurship would usher in smaller, more agile and efficient government. The Third Wave, he predicted, would ensure a Republican majority and conservative policies for a long time to come.

It didn’t work out that way, not because the economy didn’t do its part but because politics always has a mind of its own, and thus a freedom from even the most up-to-date determinisms. In 1994, the GOP, under Gingrich’s leadership, captured control of the House of

Representatives for the first time in 40 years. He took this as a confirmation of his thesis and set out to rein in the federal budget as though he had been elected Prime Minister rather than Speaker of the House. Gingrich was surprised at how Clinton outmaneuvered him in the government shutdown of 1995, and surprised again at the president's re-election. All of a sudden the Republicans seemed to have missed the big swell and were left bobbing in place, far from shore. In fact, however, the GOP congressional majority continued to exert a salutary check on the administration. But Gingrich had overplayed his hand (politics is more like poker than it is surfing) by confusing the public's disdain for Big Government with a libertarian contempt for government as such. Recall that one effect of Reagan's successful presidency was to increase the public's trust in the federal government.

David Frum observed that Bush's compassionate conservatism combined "the Left's favorite adjective with the Right's favorite noun." Too bad Bush didn't remember the writer's adage that the adjective is the enemy of the noun. The elementary point conveyed by the phrase was that it was no contradiction for conservatives to be compassionate. True enough, and useful to say, but hardly a revelation. More ambitiously, it sought to form a new combination of social and economic conservatives to replace or renew Reagan's New Republican Party.

In a time of unprecedented prosperity (1999–2000), Bush wanted to invoke a sense of national purpose loftier than material well-being, and so he tried to connect the two kinds of conservatives by asking what was prosperity's point. "The purpose of prosperity," he said many times, "is to make sure the American dream touches every willing heart. The purpose of prosperity is to leave no one out...to leave no one behind." What he meant was that the American dream consisted both of making a good living and making a good life, and therefore that prosperity should be a means to the ends of good character. Although compassion was not the only quality that he recommended to his fellow "citizens of character," it was the leading element in his ideal. Compassion is a noble calling, he said—not an easy virtue.

On the campaign trail he laid out a domestic policy agenda that combined economic conservatism with what he regarded as compassionate social policy. On the one hand, he promised tax cuts and entitlement reform. On the other, he offered three broad culture-improving proposals: to usher in the "responsibility era," i.e., to challenge the self-indulgent culture of the Sixties, a task he admitted churches would be more effective at than government; to "rally the armies of compassion," that is, to encourage charitable giving and channel federal support to faith-based,

private-sector welfare initiatives; and to reform education, through what would become the No Child Left Behind Act.

Even as he aspired to make his version of conservatism a middle way between libertarianism and cultural traditionalism, so he hoped that compassionate conservatism would offer a Third Way—to borrow Bill Clinton's favorite slogan—that would take the country beyond the stalemate or deadlock (symbolized by the government shutdown) to which the Left and Right had led it. Bush sought a way out of the "old, tired argument" between "those who want more government, regardless of the cost," and "those who want less government, regardless of the need. We should leave those arguments to the last century, and chart a different course," he told a joint session of Congress in 2001.

That new course would require government to "address some of society's deepest problems one person at a time, by encouraging and empowering the good hearts and good works of the American people." He would use government to strengthen civil society, and civil society to strengthen American character. A little more government now would lead to a caring, self-reliant people who could make do with less government later on. Jonathan Rauch in the *National Journal* put it nicely: "Conservatives have been obsessed with reducing the supply of government when instead they should reduce the demand for it.... Republicans will empower people, and the people will empower Republicans."

The Conservative Collapse

UNFORTUNATELY, THE SUPPLY OF GOVERNMENT generates its own demand. This Say's Law of politics was amply demonstrated in the Bush Administration. For the effectual truth of compassionate conservatism soon proved to be "big-government conservatism." Bush pushed successfully for Medicare Part D, the first new federal entitlement program since the Great Society. This prescription drug benefit has cost less than projected, but still costs billions that the federal treasury doesn't have—it was passed without even a hint of additional revenue to fund it—and delivers a benefit to 100% of seniors that only about 2% of them actually need.

But the worst of it for conservatives was that compassionate conservatism eviscerated the GOP's reform ambitions. By abandoning even the rhetorical case for limited government, Bush's philosophy left the administration, and especially Congress, free to plunge lustily into the Washington spending whirl. When House majority leader Tom Delay—the heartless right-winger Tom Delay!—protested that Congress could not cut another cent from the federal budget because it was already cut to the bone...you knew things were bad.

At bottom, the whole notion that compassion was the virtue conservatives lacked or needed to cultivate to be respectable was highly dubious. The best that could be said was that the slogan may have conferred some marginal electoral advantages in 2000. At a deeper level, however, the prominence of compassion was in tension with Bush's avowal of the responsibility era and his pledge to bring dignity back to the presidency. Compassion is not a virtue, after all. As the name suggests, it's a form of passion, of "feeling with" others—feeling their pain, usually; a specialty of the previous administration. Like every passion, it is neither good nor bad in itself; everything depends on what its object is and its fitness to that object. In practice, our compassion often goes out to whoever is moaning the loudest. That's why the classical political virtue is justice, not compassion, for compassion is often indiscriminate and misdirected.

At any rate, compassionate conservatism's indiscipline seemed to wear down some of the tough Texas virtues Bush might have been expected to bring to the presidency. As he said in 2003, "when somebody hurts, government has got to move." That's compassion speaking, not reason and justice, and certainly not the Constitution. In the end, the spirit of misplaced compassion did serious damage to his administration. It wasn't the only reason he failed for more than six years to veto an appropriations bill, for example, but it helped to sap his administration's tone and to leave the Republican Congress, unchecked and uninspired, to its increasingly porcine ways. And the simple, or sentimental, view of human nature implied in the elevation of compassion had something to do, too, with his expectation that from the ashes of Iraqi tyranny a grassroots democracy would spring forth fairly easily.

In his 2001 Inaugural Address, Bush drew attention to what he termed "a new commitment to live out our nation's promise through civility, courage, compassion, and character." To these four c's he didn't trouble to add a fifth, the Constitution, despite the fact that he owed his election to one of its provisions, the Electoral College. Like most Republican leaders since the New Deal, he assumed the Constitution was basically irrelevant to his task of shaping public opinion and policy, with the significant exception of making judicial appointments, when the usual condemnations of judicial activism would be trotted out. In effect, Bush accepted the Left's view of the Constitution as a living, Darwinian document that ought not constrain very much the Congress and executive branch from experimenting with and expanding the federal government—making it more compassionate, say. But the Court should not be allowed the same leeway. On this, he parted company with post-New Deal liberals.

In other words, like most modern Republicans, he saw nothing except the most vestigial connection between the Constitution and the proper size and functions of government. Those sort of arguments, which in the ancient of days had led conservatives to attack the New Deal, not to mention Medicare and Medicaid, as unconstitutional, had no place in compassionate conservatism, or in most other forms of the prevailing conservatism. Too much water under the bridge, it was thought. And besides, as Bill Clinton had been forced to acknowledge in 1996, the era of Big Government was over. Although this didn't mean that Big Government itself was obsolete or doomed—on the contrary, it was here to stay—Clinton's concession did imply that the era of big growth in the federal establishment was now behind us. Which implied that the Right could at last let down its guard. David Brooks, writing in the *New York Times Magazine*, announced "the death of small-government conservatism." He explained: "Just as socialism will no longer be the guiding goal for the left, reducing the size of government cannot be the governing philosophy for the next generation of conservatives, as the Republican Party is only now beginning to understand."

Obama's Moment

THAT WAS BEFORE THE MARKET MELT-down, the Republican sell-off in 2006 and 2008, and the rise of Obama. Who's shorting liberalism now? Yet to the generation of American conservatives who opposed the New Deal and the Great Society, there would be nothing unfamiliar about this resurgent liberalism. What shocks today's Republicans is the Lazarus act it seems to have pulled. They thought it was dead, or dying, or at least tamed. They've forgotten what liberalism was like before Reagan.

As with the Great Depression or urban riots in the '60s, the financial crisis of 2008–09 helped to create the moment that the Obama forces are now exploiting. They were aided, to be sure, by the last act of the Bush Administration. When the Troubled Asset Relief Program (TARP) bill was first submitted, it was three pages long—a blank check to the Treasury Secretary to save our economy. In its final form it exceeded 200 pages—still a blank check to "take such actions as the Secretary deems necessary" to buy troubled assets, "the purchase of which the Secretary determines promotes financial market stability." In effect, President Bush and the Congress agreed to establish what the ancient Romans would have called a "dictator" of finance, an emergency office empowered to solve a crisis, in this case, to unfreeze credit markets and stop the financial freefall.

The Romans wisely limited the office to a term of no more than six months. In our case, the TARP authority goes on indefinitely, and the spirit of clever lawlessness, already present to some degree in the liberals' constitutional views, radiates ever further into the administration. Neither Hank Paulsen nor Timothy Geithner (so far) ever got around to purchasing those troubled, mortgage-backed assets, but somehow the government now owns 60% of General Motors and a large chunk of Chrysler, not to mention preferred shares in most of the nation's largest banks, and has poured, so far, about \$100 billion into Fannie Mae and Freddie Mac, and another \$100 billion or so into AIG, and is eager to regulate the compensation packages of businessmen in and out of these ailing companies. To make the auto company deals happen, the Obama Administration had to subvert the existing laws of bankruptcy, but then once you've accepted the theory of the living Constitution it's a small matter to swallow a living bankruptcy code, too.

Not content with its acquisitions, the administration now eyes health care, the energy business, and other vast segments of the economy to tax, regulate, and control. Health care is the signal case, revealing most clearly the nature and illusions of unlimited government in the progressive State.

Here, in outline, is the liberal M.O.: Take a very good thing, like quality health care. Turn it into a right, which only centralized government can claim to provide equally and affordably and—the biggest whopper—excellently to all. Refer as little as possible to the plain logic that such a right implies a corresponding duty; that the duty to pay for this new right's provision must fall on someone; and that the rich, always defined as someone with greater income than you, cannot possibly pay for it all by themselves. Ignore even more fervently that this right, held as a social entitlement, implies a duty to accept only as much and as good health care as society (i.e., government) allows or, ideally, as can be given equally to everyone. Having advertised such care as effectively free to every user, because the duty to pay is separated as much as possible from the right to enjoy the benefit, profess amazement that usage soars, thereby multiplying costs and degrading the quality of care. Blame Republicans for insufficient funding and thus for the painful necessity to increase taxes and cut benefits in order to protect the right to universal health care, which is now a program. Run against those hard-hearted Republicans, and win.

That, at least, is the classic script of liberal governance. With a magician's indirection, it mesmerizes the public with new rights that seem almost free and unalienable, and then poof, it explains that these are positive rights

pure and simple, which have to be paid for and are subject to diminution or even abolition by ordinary statute law. When FDR spoke of the second Bill of Rights, he made it sound as though they would be added to the Constitution, as the old Bill of Rights was. In fact, the new socio-economic rights were added only to the small-c constitution, i.e., the mutable structures of contemporary governance, and so are subject to change at any time. Thus an evolving constitution, and supposedly permanent new rights, may come into fatal collision. To speak candidly, the essence and appeal of the modern liberal State depend on the artful misdirection of public opinion—on half-truths that are hard to distinguish from lies, nobly told, doubtless, in the liberals' own view.

To overcome the contradictions of Big Government, liberals cheerfully offer Bigger Government. Consider the present case. Medicare and Medicaid are going broke. Doctor Obama prescribes a brand new, expensive health care program, which the Democrats cannot figure out how to fund, to cure the ills of the existing system. A *third* deficit-laden program to save two already verging on bankruptcy? The reality is that massive middle-class tax increases lie just over the horizon, along with draconian cuts in benefits, which will come partly disguised by long waiting lists, rationing of care, and shrinking investment in new drugs and technologies. Obama is betting that the socialist ethic of solidarity, of shared pain, can be made to prevail over democratic outrage at broken promises, shoddy services, and diminished liberty.

The Conservative Challenge

WILL CONSERVATIVES LET HIM GET away with it? So far their best arguments have highlighted the enormous cost of his proposals, added to the enormous and still growing costs of the stimulus bill and financial bailouts; the magnitude of the tax increases needed to fund Obama's spending; and the predictable and abysmal drop in the quality, variety, and innovativeness of American health care if the Democrats' plan passes. These are excellent arguments, which may be powerful enough to sink his health care plan and impair the rest of his domestic agenda. Then again they may not, and in either case they aren't sufficient to the larger task of reinvigorating American conservatism as a positive intellectual and political force, as the animating spirit of a New Republican Party.

To rise to this grander challenge we must rise above the conservatism of the past two decades, and in certain respects above that of the past half-century. One of the most interesting aspects of Obama is his determination to contest conservatism's grip on the American political tradition;

he wants especially to recruit Abraham Lincoln and the American Founders to his side. He intends to claim the title deeds of American patriotism as Franklin Roosevelt did in the 1930s, preparing the way for a new New Deal coalition to rule our politics for the next generation or two. Conservatives can't allow him to succeed at this cynical revisionism, which means we have to make the case for our own understanding of, and fidelity to, American principles.

Here there is vast room for improvement, and dire need for relearning. A return to the principles of the Declaration of Independence and Constitution requires something like a revolution not only against modern liberalism but also within modern conservatism. Affronted by Obama's ambitions, a few conservatives here and there already have begun to clamor for their state's secession from the Union, a remedy that is about as un-Lincolnian and anti-Republican (not to mention boneheaded) as any imaginable. In the same vein, restive Republicans have started to invoke the Tenth Amendment's guarantee of reserved rights to the states. Whatever its merits, the Tenth Amendment's misuse in the defense of segregation in the 1950s and '60s has ignoble connotations that are, shall we say, particularly distracting when the amendment is to be applied against the first black president.

These misfires recall the disagreements and dead ends within the conservative movement prior to the Reagan Revolution. A tendency to defend the antebellum South and its radical view of states' rights—a view that made states' rights more fundamental than human or natural rights in the American constitutional order—cropped up on both the traditionalist and libertarian sides of the movement, and still does. Others imagined conservatism to be a defense of agrarianism, or an attempt to resurrect the medieval *respublica Christiana*, or the last episode of the French Revolution, in which its opponents would finally expunge all abstract doctrines of equality and revolution from our political life.

American conservatism stands or falls, however, by its allegiance to the American Revolution and Founding, even as modern liberalism really began, in the Progressive era, with a condemnation and rejection of America's revolutionary and constitutional principles.

Reagan himself seemed well aware of the innermost character of American conservatism. Despite his talk of fusing economic and social

conservatives together into a new synthesis, in his most important speeches he regarded the two as already united by a patriotic attachment to founding principles. He invoked these principles brilliantly in stirring indictments of the Left's worldview. In his 1964 speech "A Time for Choosing" he said presciently:

[I]t doesn't require expropriation or confiscation of private property or business to impose socialism on a people. What does it mean whether you hold the deed or the title to your business or property if the government holds the power of life or death over that business or property? ...Every businessman has his own tale of harassment. Somewhere a perversion has taken place. Our natural, inalienable rights are now considered to be a dispensation of government, and freedom has never been so fragile, so close to slipping from our grasp as it is at this moment.

And elsewhere in "The Speech," as it came to be called, he framed a fateful choice: shall we "believe in our capacity for self-government," he asked, or shall we "abandon the American Revolution and confess that a little intellectual elite in a far-distant capitol can plan our lives for us better than we can plan them ourselves"?

Beyond Reagan

IT IS NECESSARY TO REGROUND OUR CONSERVATISM in those revolutionary principles, but it will not be sufficient. Although conservatives cannot remedy America's problems without them, our principles need to be explained in a contemporary idiom and applied prudently to our present circumstances. That requires, for want of a more comprehensive word, statesmanship.

For the problems that face us now are the ones that Reagan helped to diagnose but did not come close to solving, particularly the deeply intractable problem of what to do about the liberal State. It has grown up among us for so long and has entwined itself so tightly around the organs of American government that it seems impossible to remove it completely without risking fatal harm to the patient. And in any case the patient's wishes must be conscientiously consulted on the matter, and he seems rather content with his present condition. Yet the spirit of

unlimited government and the spirit of limited government cannot permanently endure in the same nation, either.

Bear in mind, of course, that the worst thing about Big Government is the *reasons* given for it, which always point to more and more programs, to government unlimited in its power and designs. Some—not all—of the agencies and departments established under its rubric may be tolerable, and a few even good. That's one reason the conservative task is so challenging. It requires not only discriminating in theory between the proper and improper functions of government, but also examining in practice the good and bad that government programs do, the second-best purposes they fulfill, the political costs and benefits of altering or abolishing them. All of these need to be elements of a long-term conservative strategy—"a program of action based on political principle"—to reform fundamentally the federal government and its programs.

Though unwinding the damage that has already been done to liberty and constitutional government will take time, we have to insist right now that no *further* damage, particularly the egregious sort promised by the Obama Administration, be permitted. The liberal State has always operated at the borders of constitutionality—often crossing them. But the president seeks to conquer and annex whole new provinces of unconstitutionality: to trample underfoot the rights of property, e.g., in the rush to hand control of Chrysler to his union allies; to compass the health care, housing, energy, automobile, and banking industries under close, indefinite, and highly personal political control; to so extend the tentacles of government as to grip more and more Americans in an unhealthy, unsafe, and unrelenting dependence on the federal establishment and its partisan masters.

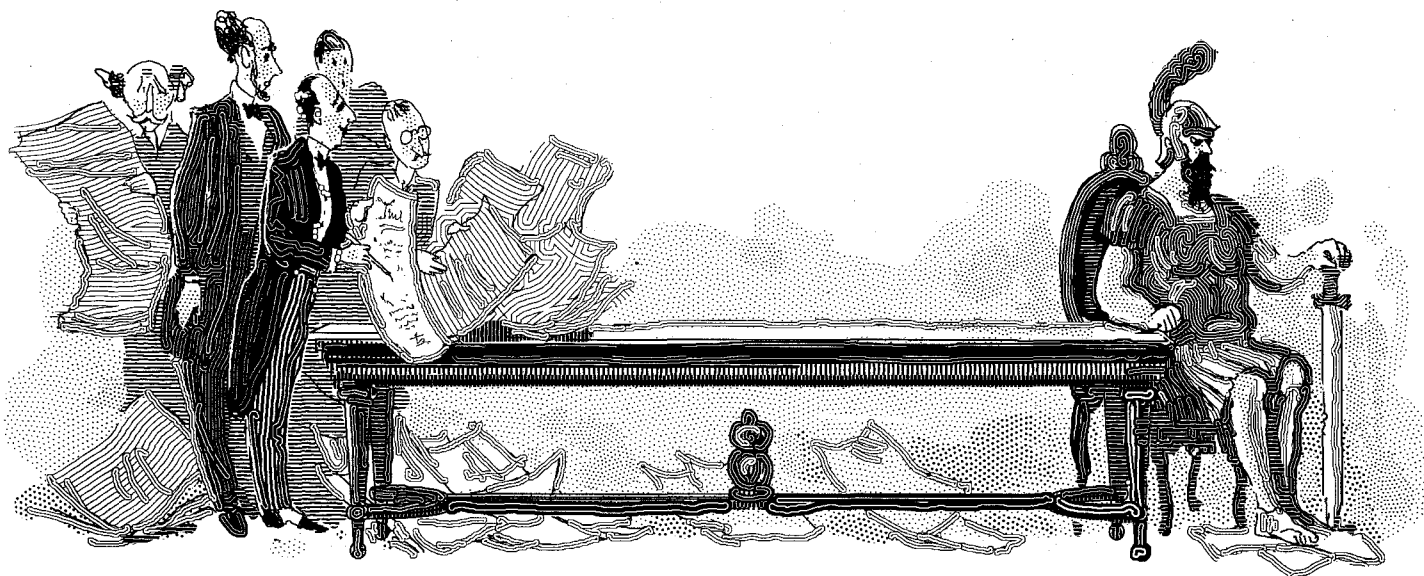
If we were ever prone to think that after the Reagan Revolution conservatives faced only second- or third-order issues, we should by now be disabused of that comforting illusion. All of conservatism's past victories and defeats have brought us to the threshold of another epic struggle, a battle for America's soul, a battle that will determine whether free government will survive.

Charles R. Kesler is editor of the Claremont Review of Books. This essay is part of the Taube American Values Series, made possible by the Taube Family Foundation.

Book Review by Bret Stephens

STATECRAFT AS WARCRAFT

Advice to War Presidents: A Remedial Course in Statecraft,
by Angelo M. Codevilla. Basic Books, 336 pages, \$27.50



IT'S THE NEW SMALL TALK!" THUS DOES Professor Henry Higgins gamely come to the rescue of his improbable protégé, Miss Eliza Doolittle, after she says something untoward during her first outing in high Edwardian society. The sedulous professor has managed to get the cockney out of Eliza's accent, but he hasn't yet gotten it out of her brain, so that her thoughts remain silly even though her enunciation is perfect.

In the film *My Fair Lady*, the new small talk ("and I say, them 'as pinched it, done her in") is played to great comic effect by Audrey Hepburn and Rex Harrison. Less funny, as Angelo Codevilla reminds us in *Advice to War Presidents*, is the new small talk among statesmen, diplomats, policy planners, political scientists, and think tank thinkers, many of whom spent the better part of the last century attempting to wish away the unpleasant facts of international relations by coining sweet-sounding euphemisms. The result, argues Codevilla, has been decade after decade of illusion, with consequences written in blood.

Codevilla, who taught international relations at Boston University for many years, has subtitled his book *A Remedial Course in Statecraft*. This is somewhat misleading: a book that uses the word *omphaloskopia* without bothering to define it (it means "navel gazing") is not "remedial" in the usual sense of the word. But Codevilla's purpose is to point his readers to the basics of policy making—the realities of war and peace, the tools used to wage the one or preserve

the other, and the abiding passions that drive men and women toward each. And this means cutting through the chatter that now dominates the way we typically speak of, and too often think about, the ways of the world.

Consider, for instance, the endlessly invoked "international community," a term that has its origins in the Progressive enthusiasms of the early 20th century. As Codevilla deliciously reminds us, it was Nicholas Murray Butler of the Carnegie Endowment for International Peace who argued, in 1910, that

to suppose that men and women into whose intellectual and moral instruction and upbuilding have gone the glories of the world's philosophy and art and poetry and religion...to suppose that these men and women when gathered together in groups called nations...are to fly at each others' throats to burn, to ravage, to kill, in the hope of somehow establishing thereby truth and right and justice is to suppose the universe to be stood upon its apex.

Just four years later, however, flying at each others' throats was exactly what Europe's great and civilized powers were doing, for reasons not well-remembered today but which were enough to sustain enormous armies in desperate combat for years.

Yet a war that ought to have put paid to the illusions of Butler and his ilk served instead to inflate them (both in the sense of broadening

and cheapening), and create new illusions in turn. The Great War ended; a League of Nations was born. It was premised on a concept of "collective security" which, Codevilla observes, imagines "that nations will place themselves in danger, or even go to war, even though they have no particular interest in doing so." Too late the world discovered that no government was particularly keen to defend Abyssinia, or fight for the territorial integrity of Czechoslovakia, or die for Danzig.

Nor was the cause of peace well served by a succession of interwar "disarmament" conferences and treaties, another celebrated progressive cause that, as Walter Lippmann wrote in 1943, proved "tragically successful in disarming the nations that believed in disarmament." Yet somehow progressives emerged from the experience of World War II no less convinced of the need for collective security and disarmament (or "arms control"). Only this time they did so in the framework of the "United Nations," its very name uniquely inapt since it made no distinction between those of its members committed to democracy, peace, prosperity, and human rights, and those committed to dictatorship, war, misery, and torture.

NATURALLY, THE RESULT HAS BEEN more war, more tragedy—and more euphemism. Take "peacekeeping," about which Codevilla incisively remarks that "if peace or the inclination thereto really existed between two parties, what need would there

be for third parties to keep it?" Instead, the U.N. routinely deploys thousands of troops, at huge expense, so that they can scrupulously refuse to take sides between, say, the Hutu *genocidaires* and their Tutsi victims, or (more recently) between Sudan's Janjaweed militia and their Darfuri victims. Why, then, does the world—and particularly the West—persevere in pursuing what amounts to a policy of make-believe? Codevilla likens it to an addiction to drugs: "Under their influence, you may stagger about the international scene believing you cut a fine figure, expecting deference, but impotent. When thwarted, your fellow addicts are likelier to tempt you into deeper dependency on intellectual hallucinogens."

What follows for the rest of the book, then, amounts to a 12-step program for sobriety in international affairs. Codevilla is at particular pains to stress that civilizations, nations, and sects each have their own ideas about what is right, true, and worth dying for—if they didn't, there would hardly be a need for any kind of foreign policy—and that American policymakers err profoundly when they assume that the rest of the world wants to be just like Americans, only they don't quite know how. This goes especially in matters of religion, a much more potent form of "soft power" than the secular MTV variant now peddled as the best vehicle for U.S. public diplomacy.

As a result, the U.S. has repeatedly erred in its foreign policy judgments by imagining, for example, that the Muslim world divides neatly into a handful of "extremists" and a vast majority of "moderates." Yet in the streets of Tehran in 1979, it was the "extremists" who were in the majority, and who were moved by passions and convictions that the U.S. Central Intelligence Agency could not comprehend and was thus unable to predict. Elsewhere in the Middle East, writes Codevilla, the words "moderation" and "extremism" are used without the essential corollary questions: "Moderate about what? Extreme about what? And so what?" Unless there is some clear idea about what the words signify, they signify nothing, and obscure much.

CODEVILLA RAISES EQUALLY FUNDAMENTAL questions about diplomacy, war-making, intelligence, "homeland security," and economic power. Consider diplomacy, a word now used in roughly the same sense as, say, aspirin. But diplomacy is not something you swallow so as to feel a little better. Diplomacy is the medium itself. And the important question for any administration isn't whether it should "give diplomacy a chance"—as the Obama Administration now intends to do from Tehran to Pyongyang—but rather what that diplomacy means to achieve and how it intends to accomplish it.

Similarly in war: though the word "war" has largely been replaced by the euphemisms of "police action" or "humanitarian intervention" or operation such-and-such, the fact remains that U.S. presidents send U.S. soldiers into battle with remarkable frequency. But what are those troops meant to do, especially now that the word "victory" has been all but erased from the U.S. military lexicon? If wars aren't for winning, they probably shouldn't be for fighting. Nor should they be for fighting if the restrictions imposed on that fighting make them all but impossible to win. Our efforts to bring the Vietnam War to a close did not benefit from Lyndon Johnson's bombing halt in 1968; they *did* benefit (for whatever it was ultimately worth) by the mining of Haiphong harbor and the Christmas bombings of 1972, which swiftly forced Hanoi's hand in the Paris peace talks. Similarly with Israel, it is not clear what humanitarian goal the Jewish state achieves, either vis-a-vis its own citizens or toward Palestinians, to stop short of destroying groups such as Hamas and allowing them to fight another day. "Unless statesmen exact multiple eyes or teeth for one," writes Codevilla, "fellow citizens end up paying with arms, legs, and heads."

Also astute is Codevilla's chapter on intelligence, which is of particular interest because of his years spent as a staffer on the Senate Select Committee on Intelligence. Citing Daniel Patrick Moynihan's wonderful aphorism, "Intelligence is not to be confused with intelligence," Codevilla paints a devastating picture of just how *unintelligent* our intelligence agencies (CIA above all) have been, with six decades of egregious operational failures and calamitous analytical blunders to prove it. More fundamental, however, is his argument that the benefit of intelligence—that is, the acquisition of secret information—does not relieve policymakers from the responsibility of making decisions based on incomplete information. "If you sit back and wait for intelligence to define your task and deliver the keys to success," he writes, "intelligence will become an excuse for evading your responsibilities."

ALL OF THIS MAKES FOR COMPELLING reading—and a mostly compelling case. But though there is no shortage of wisdom and wit in Codevilla's book, it also has its flaws. One of them is tonal: the book is shot through with rancor and contempt, as if U.S. foreign policy has been an unrelenting failure for nearly a whole century. Lost in this account of foolishness and folly are the facts that the U.S. *did* manage to defeat Nazi Germany and Imperial Japan, *did* manage to overcome the stain of the Vietnam War, *did* manage to bury the Soviet Union, *did* manage to out-compete Japan, Germany, and the European Union

and—it now seems—*will* manage a win in Iraq. These achievements were not merely products of dumb luck, and any "remedial" course in statesmanship might do well to examine positive instances of American statesmanship. Yes, there are some.

Codevilla also has the habit of driving his analysis too far. He rightly berates modern American policymakers for failing to understand religion and its power to move men to action. But he is too dismissive of the power of American culture as an instrument of suasion or subversion. Not for nothing did Vaclav Havel invite Lou Reed to be his honored guest in Prague after the Velvet Revolution. Not for nothing, either, is Socrates at great pains in the *Republic* to regulate the correct forms of music in his totalitarian state, since, as he tells Glaucon, "musical training is a more potent instrument than any other."

Similarly, while Codevilla is certainly right that the rest of the world doesn't want to be a facsimile of the U.S., it is simply wrong to suggest that many people, and countries, don't want to be more like America than unlike it. Again, not for nothing are shopping malls from Bangkok to Mexico City to Cairo just like American shopping malls. Not for nothing is *Indonesian Idol* identical to *American Idol*. Not for nothing has democratic governance been steadily expanding around the world, albeit in its Huntingtonian "waves." We may have much to learn still from Athens, Rome, and Machiavelli's Florence, but the world really has moved on.

Worse, however, are Codevilla's vituperative attacks on neoconservatism, a school of thought he lumps together with realism and liberal internationalism as part of the same engine of euphemism and wishful thinking that dominates U.S. foreign policy. This is about as convincing as the old Soviet notion that nothing fundamental distinguished American capitalism from European fascism. But his picture of neoconservatism, such as it is, amounts to caricature. Surely one can believe that the spread of democracy is something U.S. foreign policy should encourage without losing sight of the high cultural and political obstacles to that enterprise. And surely one can be attentive to the hard realities of power and the imperatives of prestige and respect without ignoring the power and attraction of American ideals to shape the minds and attitudes of men.

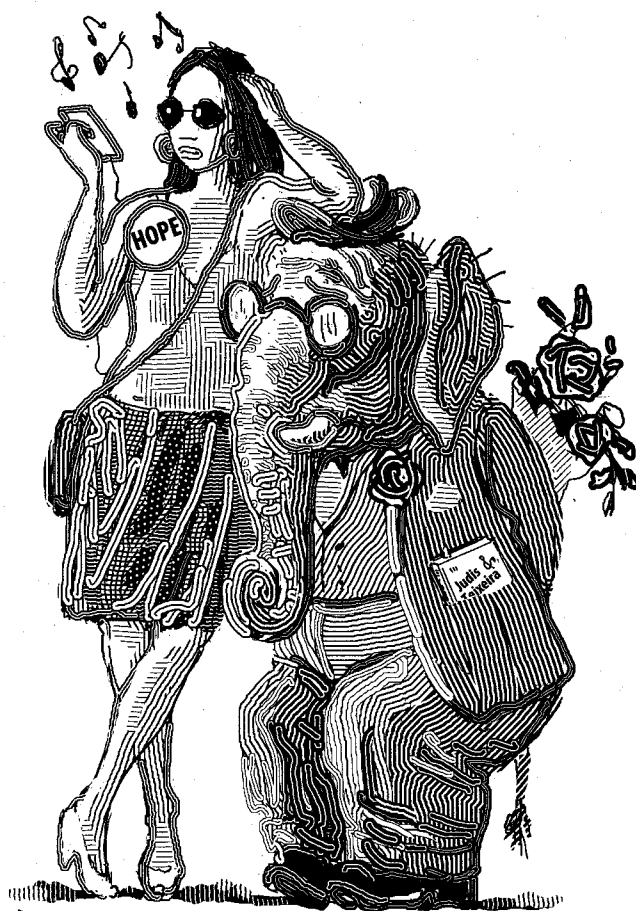
These are serious flaws. That they seriously mar the message and persuasiveness of a bracing, intelligent book should not detract from the fact that Codevilla's argument is, in the last analysis, bracing and intelligent.

Bret Stephens writes "Global View," the foreign affairs column of the Wall Street Journal.



Essay by Henry Olsen

THE REEMERGING REPUBLICAN MAJORITY?



ESPECIALLY IN A DEMOCRATIC AGE, STATESMEN are careful students of social trends. They know that the art of political leadership can't afford to ignore the science of political demography, even though the former can never be reduced to the latter. Conservatives who seek a revival in their movement must exhibit similar wisdom and closely examine how America has changed since the glory days of President Ronald Reagan, and how those changes pose new challenges to, and may impose new limits on, conservatism today.

Suburbia

THE CONSERVATIVE ASCENDANCY OF THE Reagan years centered in the middle class. It wasn't just any middle class, though; conservative strength was concentrated in the modern suburb. Commonplace today, suburbs revolutionized American life. In 1940, 23% of Americans lived on farms; by 1980, only 4% did. Big cities declined too: between 1950 and 1980, cities in the North and Midwest lost millions of residents either to their own suburbs or to those in the Sunbelt. Though they began as a small, largely upper class phenomenon, the

suburbs eventually became home to nearly a majority of the American population.

Thus the key political question increasingly became: who are the suburbanites and what do they want? When Reagan was elected in 1980, most suburbanites were married with children. They were overwhelmingly Christian; overt secularism was not yet a mass force. Women had begun to enter the workforce in large numbers in the early 1970s, but the typical suburbanite still lived in a traditional, one-male-earner household. And nearly all were white. The Hispanic population, though growing, constituted only about 2% of the electorate. Asians composed an even smaller share, and African-Americans lived largely in the cities and the rural South. The cultural divisions that are now omnipresent were only beginning to appear. The typical suburbanite had been raised in a less individualistic time between the 1930s and the early '60s. The cultural politics of the baby boomer generation did not yet dominate; the oldest boomer was only 34.

In *The Making of the President, 1960*, Theodore H. White had noted the suburban rise and asked "what was to be done with this new form of civilization?" He observed that Democrats tended to view suburban life as a "torrent of self-

indulgence," while Republicans regarded it as an "expression of individual well-being." He wondered whether the suburban future would be guided "by private enterprise or by public plan."

White's alternatives were actually two sides of the same coin. Suburbanites recoiled from Barry Goldwater's assertive individualism, but they rejected the Great Society's excessive faith in government, too. This temperament reflected the socioeconomic realities of suburban life. Just as suburbs stand between the urban and the rural, in 1980 suburbanites' attitudes about economics and government occupied a middle ground between the pro-spending ethos of the cities and the anti-spending ethic of rural America (which made an exception for farm subsidies, to be sure).

Suburbanites derived their wealth from the private sector. They tended to work in private sector jobs, shopped at private sector stores, and consumed private sector goods. They moved to the suburbs to enjoy a better standard of living than they could in the city or town. Policies which disturbed this economic dynamism, such as high taxes or inflation, were unpopular. But underneath this private consumption lay various public goods. Suburbanites drove their private

cars on public roads. They and their children were mostly educated in public schools, and their property was protected by police. Even their private consumption was made possible in part by public insurance—Social Security and Medicare—which reduced the need to save for old age. Policies threatening these underpinnings of comfortable suburban life were unpopular, too.

In addition, suburbanites craved ordered liberty. They valued the uniform, sprawling developments so disparaged by critics like Lewis Mumford. These were new types of communities that permitted more individual freedom and less social supervision than their parents had known. Grateful for their single-family detached homes, they supported police and rallied to “law and order” campaigns. On international matters, they were wary of intervention but supportive of a strong foreign policy, wary of involvement in Vietnam but fearful of Soviet expansionism. Politicians who ignored major elements of this underlying consensus did so at their peril.

These trends did not go unnoticed. Kevin Phillips, in his 1969 masterpiece, *The Emerging Republican Majority*, argued that the New Deal coalition was being replaced by a conservative, Republican majority arising from the “immense middle class impetus of Sun Belt and suburbia,” fueled by opposition to the tumults of the 1960s and a liberalism that had gone “beyond programs taxing the few for the benefit of the many (the New Deal) to programs taxing the many on behalf of the few (the Great Society).”

Phillips’s prognostication carried two implicit caveats. First, this emerging conservatism was moderate. Nixon won the 1968 presidential election by winning virtually all major suburban counties outside the South, most of which Goldwater had lost by large margins in 1964. He and his successors had to reassure these voters that the GOP would not undo popular programs such as Social Security, Medicare, and aid to education. The other caveat concerned the wealthiest and most educated of these voters. Even in 1968, residents of the most prosperous suburbs were turning away from Nixon and the GOP. Phillips noted but dismissed this trend among those he called “silk-stocking Megalopolitans.” Any losses among the elites, he argued, would be more than offset by gains among the middle and working classes.

The Reagan Coalition

RONALD REAGAN WAS THE IDEAL CANDIDATE to satisfy suburban aspirations. As a young Michael Barone wrote in 1965, Reagan already emphasized “threats felt by average men with mortgaged bungalows, two-car garages, and bought-on-time lawn furniture.”

Reagan governed California in accord with suburban ideals. He cut welfare and combated the disorder flowing from the student rebellions, but left major public programs like education and road construction largely untouched. Though he tried and failed to limit the growth of government spending and taxes, he never sought to repeal the vast public edifice constructed by predecessors of both parties. As he often said, he was a former New Deal Democrat who had voted four times for Franklin Roosevelt. FDR’s legacy was safe in his hands.

Reagan also had an actor’s appreciation for his audience. By 1977, he sensed that he could build on his suburban base by reaching out to religious voters worried about changing mores. And so he proposed a “New Republican Party” comprising

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both economic and social conservatives, united around the principle of human freedom. This new party emerged full blown in 1980. His victory—only the second popular vote majority for a GOP president since 1956—rested squarely on the suburbs, crucially augmented by the new culturally conservative voters. He carried virtually every major suburban county by large margins, while also making inroads into working-class Catholic urban communities and evangelical Southern and Midwestern rural towns. Reagan’s new party was not evenly balanced between its parts, however. The bulk of its voters were still suburbanites seeking prosperity and security. His governing emphasis was accordingly placed there: cutting taxes and strengthening national defense came first; social issues, except for judicial appointments, came later, if at all.

This coalition remained at the center of American politics for the next two presidential elections. In 1984, Reagan was reelected by large margins (58.8% of the popular vote; 525

electoral votes). George H.W. Bush received 53% of the 1988 popular vote on the same demographic lines as Reagan. Most striking to the modern eye, however, is the breadth of Bush’s suburban base. The vice president carried the suburban counties of most of the major cities in the North and Midwest. He won overwhelming majorities in suburban Southern California and in the bedroom communities of gigantic Los Angeles County. He carried Miami’s Palm Beach County with 56% and swept to a 61% victory in Fairfax County, Virginia.

The Republican Predicament

TODAY, POLITICS LOOKS VERY DIFFERENT. In the 2008 presidential election, Senator John McCain carried *none* of the suburban counties surrounding New York, Philadelphia, Chicago, Detroit, or Boston, and he lost most of the St. Louis and Cleveland suburbs. He lost all of Southern California’s suburban areas except rock-ribbed Orange County, which he carried with a record low 50%. Palm Beach went 61%-38% for Senator Barack Obama; Fairfax’s 60%-39% margin for Obama delivered Virginia to the Democrats for the first time since 1964.

McCain’s share of the national popular vote also signaled trouble. On the surface, his total, 45.6%, seemed respectable. Many Republican presidential candidates had received less in recent memory. But all of those candidates save one, Barry Goldwater, had run races with serious third-party candidates. Goldwater aside, McCain’s showing was the worst GOP result in a two-party race since Wendell Willkie garnered 44.8% in 1940. To look at it another way, Obama’s 52.9% was the second-highest for a non-incumbent Democrat in American history, trailing only FDR’s 57.4% in 1932.

It’s tempting to blame the 2008 election results on the times. The September financial crash would have hurt any incumbent party, particularly among suburbanites whose portfolios plummeted and whose home equity nosedived. Not surprisingly, McCain’s decline from George W. Bush’s 2004 vote share was often larger in congressional districts most affected by the housing collapse, e.g., in Central and Southern California and Nevada. Nor should one ignore the role events played in elevating one set of concerns above another. In the 1990s, with the world at peace and economic growth solid, voters cared more about cultural issues. Clinton’s triangulation—for the V-chip and school uniforms but also for abortion rights, against tax hikes but also against cutting government programs—played well in the suburbs, especially among the “soccer moms” who briefly became the national rage. After September 11, voters cared more about international

affairs and security than they had in 1996 and 2000. President Bush thus did well in the suburbs, especially among the “security moms” his campaign wooed. But even the 9/11 effect did not help *everywhere*. Bush’s 2004 vote share increased most strikingly in the suburbs of New York City most affected by 9/11. His share of the vote remained stagnant, or dropped, in many highly-educated suburban districts outside the South.

The Democratic Resurgence

THE SUBURBAN DRIFT AWAY FROM THE GOP proceeded steadily throughout the 1990s and the present decade. The 2008 results largely conformed to this new political-demographic pattern, one identified and analyzed in a book that looked out of place in 2001 but soon proved prescient: John Judis and Ruy Teixeira’s *The Emerging Democratic Majority*.

The authors, two men of the Left, argued provocatively that demographic changes would usher in a Democratic majority by the end of the decade. They noted that Americans were increasingly college-educated and producing ideas rather than making things. Such voters valued economic growth but also “embraced a libertarian ethic of personal life.” Meanwhile, women, particularly single or college-educated women, were flocking to the Democratic Party, and non-whites were voting Democratic in overwhelming numbers, also. Judis and Teixeira contended that all three groups were becoming larger parts of the population and would soon be large enough to produce a new political order.

Their predictions were eerily accurate. They projected that minorities, who cast 10% of the nation’s votes in 1972 and 19% in 2000, would cast a quarter by decade’s end. The 2008 exit poll confirmed that non-whites composed 26% of the electorate; McCain lost these voters by 79% to 18%. Democrats, they thought, would continue to win votes from areas dominated by professionals and educated women. Looking at what they called “ideopolises”—metropolitan areas that are economically open to technology, i.e., virtually every major suburban county—they found that in 1984, 55% of the professional class had voted for Reagan. But in 2000, educated professionals went for Gore 55%-41%, and in 2008, for Obama about 60%-38%. Judis and Teixeira even predicted which states would move toward the Democrats by decade’s end. Every state Obama gained from Bush was on their list, except Indiana.

It’s not hard to explain this Democratic resurgence. Suburban residents grew steadily wealthier and more educated during the past two decades—and the trends were related, because since 1980 the educated class has disproportionately captured income gains. These devel-

opments created a mass affluent class—the McMansion set satirized by David Brooks in *Bos in Paradise* (2000)—which had been on the political sidelines in 1980. Phillips sneered at those he called “silk stocking Megalopolitans,” but today’s non-Southern suburbs are politically dominated by their sentiments.

Nor is it hard to see why culture joined economics as an important political issue. The baby boomer generation defines itself by its “culture,” and by the mid-1990s the typical suburbanite was someone who had become an adult in the ‘60s and ‘70s. Once this class made up a large percentage of the electorate, lifestyle issues rose in political importance. Baby boomers who embraced the social changes of their youth sought to defend and extend them; those who opposed them were equally determined to defend traditional mores. Hence began the now commonplace demographic correlation between voting behavior and degree of religious observance. The growing divide between religious and secular voters arose not because religious Americans sought to impose theocracy or because secular Americans sought to stamp out belief. Rather, modern Americans increasingly embraced or rejected a specific faith, even religion itself, because of its stance on cultural matters.

As a result, the Republican presidential electorate is now tilted toward culturally conservative voters much more than it was in the 1980s. McCain won 55%-43% among the 40% of voters who said they attend religious services at least weekly. He lost 57%-42% among those who said they attend occasionally, and he was clobbered 67%-30% among those who never attend.

To make the point more starkly, McCain carried white evangelicals 74%-24%. They constituted 26% of the electorate, and fully 42% of his vote. Non-believers, on the other hand, cast 12% of the votes and went solidly for Obama, 75%-23%. Jews and believers who are neither Protestant nor Catholic amounted to another 8% of voters and supported Obama 75%-22%.

The overall picture is thus sobering for conservatives and Republicans. Democrats are strongest in the most rapidly expanding segments of the population, and every four years natural growth in these groups can be expected to add one or two points to Obama’s 7.25% margin of victory. How can Republicans possibly find their way back?

A Republican Strategy

THEY CAN START BY RECOGNIZING THAT the GOP’s base has changed since the 1980s. Remember, 42% of McCain’s vote came from white evangelicals. Another 13% came from observant Catholics. Not all of these voters are social conservatives, but many

of them qualify. A party platform that does not prominently address the moral concerns animating these voters will not unite the base. But social conservatives cannot win by themselves. Social and economic conservatives need to realize that Reagan’s vision of a new party has finally come to pass. Both halves of the party are roughly in balance, and neither can succeed without the other. They must hang together, or they will most assuredly hang separately.

The question is whether a united base will, or can be made to, appeal to suburbanites outside the Deep South. Neither a presidential nor a congressional majority can be formed solely from Southern and rural states. Even in the South, Northern-style suburbs—as in Northern Virginia, North Carolina’s Research Triangle, and Central Florida’s I-4 Corridor—now hold their state’s balance of electoral power.

Nixon’s and Reagan’s successful suburban outreach required a subtle appreciation for what American suburbanites wanted, economically and culturally. A successful modern suburban outreach requires a similar appreciation. Suburban cultural life is nowadays a mixture of the traditional and the liberated. Suburban men and women may have had liaisons prior to marriage, but once they tie the knot they have extremely low divorce rates. Women work, but most work part-time and juggle motherhood and professional life in a harried, unsatisfying combination. Though they may have experimented with marijuana in their youth, suburban parents are fiercely anti-drug today. Most importantly, they are by no means complete moral agnostics, however much they may profess to be “nonjudgmental.” They have no problem teaching their children the virtues of honesty, marital fidelity, and hard work.

This cultural message is consistent with the rhetoric of individual choice, which dominates the suburban mentality. The typical suburban adult wants to make good choices, but he or she rarely wants to be hectorated or prevented from making bad ones. All too often, conservatives (Republican politicians are much less guilty of this, incidentally) have spoken in sectarian and admonishing tones, like the temperance advocates criticized in Abraham Lincoln’s famous Temperance Address (1842) for seeking moral reform with “thundering tones of anathema and denunciation.” Conservatives who seek to reform mores and appeal to the modern suburbanite must adopt Lincoln’s maxim that “a drop of honey catches more flies than a gallon of gall” and employ “kind, unassuming persuasion” in pursuit of their ends.

Abortion is an example of a moral issue on which conservatives have made some headway in recent years, precisely because pro-life advocates have focused less on condemning the act

of terminating a pregnancy and more on garnering sympathy for the unborn child. As Ross Douthat wrote recently, "the pro-life movement is arguably more comfortable with the language of rights and liberties than its opponents." Public attitudes have changed as a result. Polls show that young people are more pro-life than are their parents, and a recent Pew poll found that pro-life and pro-choice sentiments are roughly equal, a dramatic change from the norm of the last 35 years.

Conservative economic policy must adopt a balanced tone and ambition, too. Suburbanites remain committed to the traditional mix of private and public goods. Newt Gingrich often contrasts the private world that works with the public world that doesn't, comparing, say, FedEx's ability to keep track of millions of packages daily with the federal government's inability to police illegal immigration. Market principles can make a difference in public policy, he argues. That is the touchstone of a successful suburban appeal: low taxes, but not no taxes; limited, but also effective, government.

Even today's more Democratic-leaning suburbanites value prosperity. They have spent the last quarter-century reaping the benefits of globalization and private sector economic growth, and there is little evidence that their desire to become wealthier has abated. Thus, tax hikes

remain unpopular even in the face of massive budget shortfalls, as the recent defeat of the tax-raising referenda in California demonstrates. Politically smart Democrats recognize this, which is why President Obama's budget plan ostensibly exempts most suburbanites from the proposed increases, and even liberal Democratic states like Maryland, New York, and New Jersey have limited their recent income tax hikes to families with incomes well above most suburban voters'. Politically smart Republicans, however, recognize that opposing tax hikes is not enough. Suburbanites want their public services to work effectively, too. Republicans who understand this, like Indiana Governor Mitch Daniels, employ market principles to deliver better public services. For example, he responded to the demand for more and better roads not by hiking sales or gas taxes, as other governors have done. Instead, he auctioned off the Indiana Toll Road to a private company for \$3.8 billion, money the state will use to finance road maintenance and construction without higher taxes. He also reformed Medicaid by moving toward a system of Health Savings Accounts for the poor.

These proposals were not initially popular, but he stuck with them—and was handsomely rewarded. In an awful GOP year, Governor Daniels cruised to re-election with 58% of the

vote, about 9% more than Senator McCain got in losing Indiana for the GOP for the first time since 1964. The governor ran farthest ahead of McCain in the Indianapolis suburbs, especially in Hamilton (+23%) and Marion (+21%) counties. Daniels also did substantially better than McCain in counties with large student populations such as Purdue University's Tippecanoe County (+18%) and Indiana-Bloomington's Monroe County (+14%).

A national agenda to reform government in line with market principles should resonate with suburban voters—e.g., a health policy that encourages people to own their own insurance policies, thereby enabling them to choose their own doctors. Similarly, an education policy that focuses less on mandatory testing for basics and more on allowing parents to choose the teachers and curricula best suited to their children should also appeal. Finally, conservatives cannot forget that the financial crisis has given rise to a renewed desire for financial security: suburbanites who have spent their entire lives enjoying a relatively steady accumulation of wealth have been shocked by the steep and rapid depletion of their assets. Failure to address their legitimate worries could cost conservatives as much as liberals' dismissal of popular anxiety over crime cost them in the 1980s.

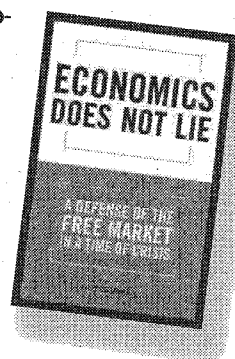
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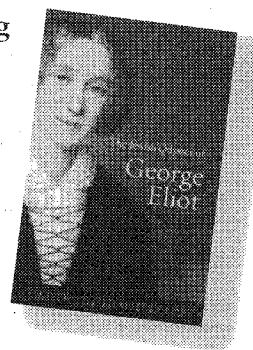


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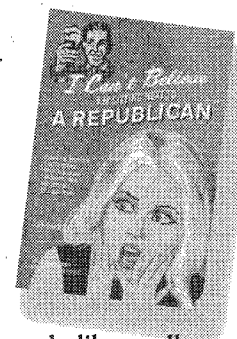
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Reagan's Children

EDUCATION, CLASS, AND RACE CAN'T BE ignored when thinking about the GOP's future, to be sure. Whites without a four-year college degree composed between 40 and 50% of the electorate in 2008. Although modern suburbs are dominated by the college-educated, the working-class voter (who does not hold a four-year college degree) and especially the white working-class voter, is still important. Indeed, Judis and Teixeira erroneously predicted that West Virginia, Kentucky, and Missouri would swing Democratic because of such voters. Instead, these states went Republican (at the presidential level) in 2004 and 2008. Judis and Teixeira had assumed working-class voters would continue to be attracted by the Democrats' economic populism and the party's old-fashioned "identification with the 'common man and woman'" that "has been a defining difference between the Democrats and Whigs, and the Democrats and Republicans, since the 1830s." But their failed predictions call this assumption into question.

Populism need not be directed against Big Business alone. The essence of populism is the belief that an unworthy elite whom you cannot control has control over you, and that government can redress that grievance. Wall Street bailouts that enrich corrupt elites enrage working-class voters. Non-payment of taxes by administration appointees fuels the common man's suspicion that government is not on his side. Add the economic pressure he will soon feel from the Obama Administration's aggressive pursuit of its environmental and immigration agendas, and one can see how Republicans could begin to recapture the populist mantle for themselves.

Of course, the GOP already wins white working-class voters by a large margin. Ruy Teixeira recently estimated that McCain carried this group by 18%, not much less than the 23% margin achieved by George W. Bush in 2004. Regaining an electoral majority through a working-class strategy alone, however, would

require GOP margins of 30% or more, without losing ground among other voting groups. Besides, the white working class is a shrinking portion of the electorate. A Republican Party that focused on consistently winning an ever increasing share of this declining segment of the electorate would be an entirely different party from the one we currently have. If it is to be the majority party again, the GOP must be able to win again in the suburbs while taking as much as it can of the white working class vote, which tends to be rural and urban.

Of course, suburban America is no longer lily white. The Asians of California's Cupertino and Monterey Park, the African-Americans of Maryland's Prince George's County, and the Hispanics of Florida's I-4 Corridor are prime examples of the racial and ethnic transformation of the suburbs. This trend will only continue: recent Census estimates show that 34% of the American population is non-white, with that share rising to 44% among children.

One cannot overstate the importance of this trend for future GOP prospects. Recall that McCain received only 18% of the non-white vote, which constituted 26% of the electorate. To have reached a popular majority under these circumstances, he would have needed 61% of the white vote, something Republicans have managed only twice since 1928 (the landslide years of 1972 and 1984). What's more, non-white voters will be at least 30% of the electorate by 2016. Among non-whites, George W. Bush did the best in 2004 of any GOP nominee since exit polling began in 1972. If the 2016 GOP nominee were to perform this well among blacks, Asians, and Hispanics (adjusting for each's projected share of the electorate), he would win 28.5% of the non-white vote. To win a popular majority, he would still have to win 59% of the white vote, a total last reached by George H.W. Bush in 1988.

Many conservatives argue that the approach to non-white voters should be through the social issues, because most Hispanics are pro-life Catholics and most Asian families are close-knit and pro-business. They argue that these voters

are like the Reagan Democrats who joined the New Republican Party in the '70s and '80s. But it may not be that simple. The 2008 American Religious Identification Survey found that 62% of Asian-Americans are non-Christians, which may complicate conservative cultural appeals to them. Hispanic cultural conservatism can also be exaggerated. A recent National Center for Health Statistics report found that Hispanic women have higher non-marital birth rates than do black, Asian, or white women. And though Hispanics are reliably pro-life, they have yet to respond to the GOP's pro-life stand. Their failure to vote like observant white Catholics, who themselves are significantly less likely to vote Republican than observant white evangelicals, suggests they are less motivated by moral and religious themes than by concerns over the economy and education.

But there is evidence that Hispanic and Asian voters in the suburbs do resonate to national security issues. Only twice since 1980 have Republican presidential candidates received close to 40% of the Hispanic vote—in 1984 and 2004. In the latter year, President Bush also received 41% of the Asian vote. In both cases, the GOP candidate was an incumbent president from a Southwestern state who had taken strong military action and was effusively patriotic.

America's greatest conservatives, Abraham Lincoln and Ronald Reagan, were careful students of public opinion and demographic trends. Each adapted America's timeless conservative principles, rooted in the Declaration of Independence, to their times and their audiences. They created new political coalitions that endured well beyond their elections. Republicans today must learn from their example and create a rhetoric and politics that appeal both to the party base and the new American suburbanites. To become Reagan's heir, the aspiring conservative statesman must first understand Reagan's children.

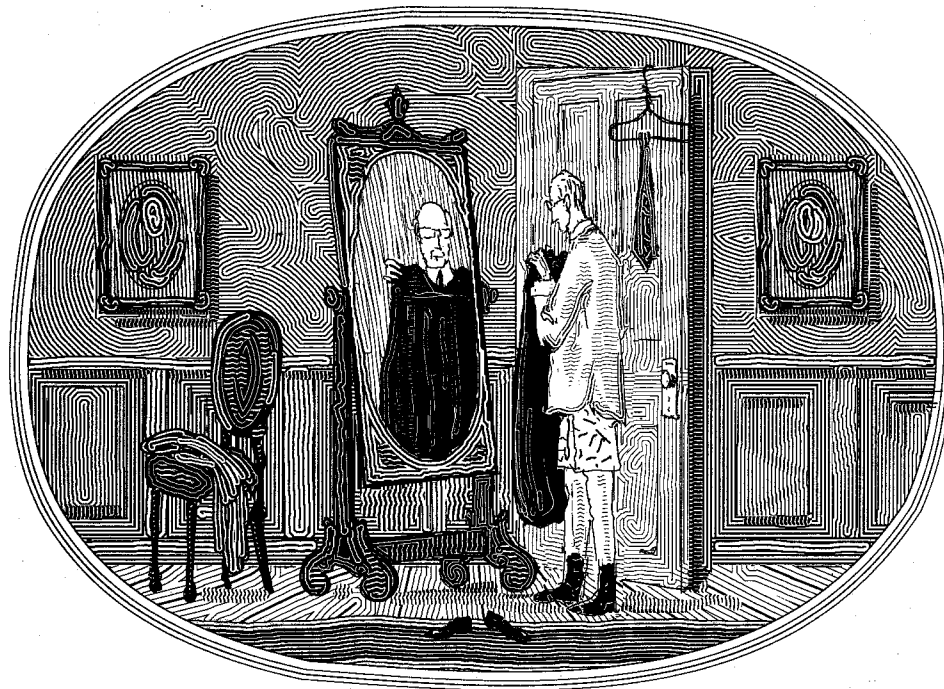
Henry Olsen is vice president of the American Enterprise Institute and director of the National Research Initiative.

Book Review by David F. Forte

THE CLOSING OF THE JUDICIAL MIND

Unrestrained: Judicial Excess and the Mind of the American Lawyer,
by Robert F. Nagel. Transaction, 159 pages, \$39.95

How Judges Think, by Richard A. Posner.
Harvard University Press, 400 pages, \$29.95



COMPLAINTS ABOUT OUT OF CONTROL judges are not new. In 1788, in a newspaper column opposing the proposed new Constitution, a writer with the pen name Brutus charged that

those who are to be vested with [the judicial power], are to be placed in a situation altogether unprecedented in a free country. They are to be rendered totally independent, both of the people and of the legislature.... [I]n their decisions they will not confine themselves to any fixed or established rules.... This power in the judicial, will enable them to mould the government into almost any shape they please.

Brutus's denunciation of an unrestrained federal judiciary prompted Alexander Hamilton to reply in *The Federalist*, emphasizing the judiciary's structural weakness. In the Constitution's tripartite division of powers, Hamilton ascribed "FORCE" to the executive, "WILL" to the legislature, and mere "JUDGMENT" to the judiciary. The Supreme Court was made largely independent of external checks (something that the Anti-Federalists perceptively noted) partly to be

itself an effective check on the legislative department. But contrary to Brutus's exaggerated fears, Hamilton argued, the judges would be hemmed in by internal constraints, derived from the function of the office itself. Because judges spend their lives studying law, not the desires or interests of constituents, they would possess public virtue sufficient for the people to trust them, and to rely on them to check legislative will.

In their new books, two highly regarded commentators have sought to explain how and why judges act as they do. Both analyses are at odds with Hamilton's. Robert F. Nagel, a professor of constitutional law at the University of Colorado at Boulder, has long worried about the Court's coarsening effect on American moral and civic character. He sees a Court that has abused judicial review and overawed federalism and the democratic process. But it did not have to be so. In *Unrestrained: Judicial Excess and the Mind of the American Lawyer*, Nagel holds that the framers did indeed place external checks on the judiciary, showing that they were not sanguine about the possibility of judicial self-restraint. Judge Richard A. Posner, one of the most influential pragmatic legal theorists and a founder of the law and economics movement, thinks that Hamilton simply

missed the point. In *How Judges Think*, Posner argues that judges, particularly Supreme Court justices, are and always have been legislators, and that this is not a bad thing, so long as they legislate for practical objectives and do so reasonably in light of their positions and the particular circumstances of the case. Neither speaks, as Hamilton's generation would have, in terms of virtue. But Nagel's analysis is, in fact, an explanation of why judges no longer practice the restrained virtue the framers trusted they would. Posner would locate virtue not in the office, but in the judge's personal temperament.

NAGEL NICELY CONFRONTS THE CONSERVATIVES' perplexity regarding why, despite the overwhelming number of appointments by Republican presidents, the Supreme Court remains skeptical of the Constitution's structures and eager to revise America's social ethos. He rejects the usual explanations offered by conservatives as either wrong or overly reductionist: the David Souter excuse (the Republicans didn't know enough about what he really thought), the Anthony Kennedy complaint (justices socialize and identify with trendy judges worldwide), and the John Paul Stevens

theory (justices follow the tastes of the elite social classes). Nagel also rejects Robert Bork's own explanation, that the American people like what the Court has done.

Nagel's explanation is that Republican-appointed justices did not "change" at all. Rather, they were from the start part of an American legal culture that celebrates and propagates the role of the judge as a leader of moralistic reform. Throughout the book, he gives pointed examples of illogical Court decisions that have reshaped the country based on nothing more than the judges' personal views of what is socially beneficial. His analyses of *Planned Parenthood v. Casey* (1992) and *Grutter v. Bollinger* (2003) are particularly withering.

Nagel seems to have accepted as essentially correct the Anti-Federalist position on federal court power. But he thinks that the federal courts were not a practical danger in the early republic. The genie did not escape the bottle until federal law and federal jurisdiction expanded in the late 19th century, followed by the radical restructuring of American legal education in the early 20th century. That restructuring included the case method (treating what the judges say as oracular), putting law schools in universities (turning legal education from a practical to an intellectual pursuit), and the gradual rise of what later came to be called legal realism and the consequent diminution of legal formalism (thus liberating the judge from important internal restraints).

After World War II, the judiciary's moralistic pretensions were enhanced by a widespread increase in the use of the injunctive power, allowing courts to become an administrative regulator of American life. Courts today write opinions in code and indulge myths that their decisions have brought about inestimable goods, such as an end to segregation. (Nagel points out it was the Congress—and the states, one might add—that legislated the end of segregation and state discrimination.) The result has been judicial sovereignty. The Court's actions, Nagel proclaims, have been a body blow to civic republicanism, eroding the people's self-respect and self-confidence as political actors.

Nagel ends on a despondent note. He finds that internal restraints, such as personal and professional modesty, will not work; the legal culture simply overwhelms them. He concludes that external checks need to be crafted to hold back the judges.

JUDGE POSNER HAS NO PROBLEM WITH THE legislative character of judging, particularly in the Supreme Court. As he does in much of his voluminous work, Posner uses a model drawn from economics to describe the constraints on a judge's decision-making: the judge

as labor market participant. Under that rubric, Posner makes a detailed and informative analysis of both the internal and external constraints on the judge. In the end, he finds that most of those restraints are relatively weak, and he relies primarily on the judge's character to keep him playing by "the rules of the game."

In surveying the literature, Posner articulates nine theories of judicial behavior: attitudinal, strategic, sociological, psychological, economic, organizational, pragmatic, phenomenological, and legalist. He says each has limited merit, and then puts them all into one "eclectic" stew that comes out tasting like pragmatic efficiency, the central theme of much of his jurisprudential analysis. "A pragmatic judge assesses the consequences of judicial decisions for their bearing on sound public policy as he conceives it." A "good" judge, in Posner's eyes, is one who gauges pragmatic considerations (including constraints on his own behavior) efficiently and elegantly in reaching a conclusion beneficial to society. What Nagel finds so morally anomalous in modern judicial behavior, Posner identifies as the norm. But both in this book and elsewhere, Judge Posner does not shy from vigorous criticism of Court decisions that, to his mind, were quite unpragmatic—for example, last year's decision in *District of Columbia v. Heller*, which struck down Washington, D.C.'s ban on handguns.

If Posner ever invoked the language of the classical virtues, he might very well confess that he wants judges to display the virtue of prudence, but it would be a different kind of prudence from the virtue Hamilton had in mind. Posner roundly disagrees with those who would make "strict construction," "originalism," or "textualism" essential components of a prudential decision to maintain the Constitution of 1787. And he certainly does not think there is a distinction between judicial judgment and legislative will, except perhaps as a contextual nuance. For Posner, both branches are engaged in one form or another of legislation. He does concede that "legal" materials limit a judge's discretion—though in his disparaging description of "legalism," there seem to be few truly objective constraining standards. That which impels a judge, therefore, to respect legal materials is not virtue, but simply a pragmatic personal temperament inclined to pay heed to the decisions of the other political branches.

Through much of the book, Posner seeks to dismiss the legitimacy of many legal standards currently accepted as informing the conclusions of judges. His targets include "legalism" (which he defines in extremely narrow and mechanistic fashion), "originalism" (which has little definable content, he claims), "strict construction" (part of legalism that results in absurd conclusions),

"analogy" (hardly an analytic tool), "rules" (of limited and mostly chimerical use), and "textualism" (hobbled by neglecting a statute's purpose). He delights in giving a dope-slap to the academy in a chapter entitled, "Judges are Not Law Professors."

Judge Posner believes a judge should be a "constrained pragmatist." If we look at Posner's actual decisions, we find a jurist who acutely discerns legislators' collective intent, respects precedent (or at least the underlying policy instantiated in the precedent), and creates decisions of such clarity that they (despite himself) form a good legalistic basis for the guidance of other judges. Posner is, as a judge, admirably humble toward what the other political branches have decided. Recently, in a discussion with Judge Michael McConnell at the Annual Federalist Society's Lawyers Convention, Posner said that he had reviewed the 161 federal laws that the Supreme Court had invalidated since *Marbury v. Madison* (1803). Except for the law mandating segregation in the District of Columbia, voided by *Bolling v. Sharpe* (1954), he declared that he would have upheld every one of those statutes.

But Judge Posner's theory of "judicial law-making," in the hands of a person with less modest sensibilities, would produce, and has produced, many of the excesses that Brutus predicted so many years ago.

HAMILTON BELIEVED THAT THE OFFICE helped inform the judge's virtue. Nagel, in contrast, argues that the office, created by American legal culture, corrupts the man and makes public virtue impossible. Nagel would not find the alleged "personal" biases of Sonia Sotomayor, President Obama's nominee to the Supreme Court, surprising. He would find her attitude a product of the judicial system itself. Judge Posner comes from the opposite direction. He thinks that only a virtuous person can be a virtuous judge. For him, the man makes the office; the office does not make (or unmake) the man.

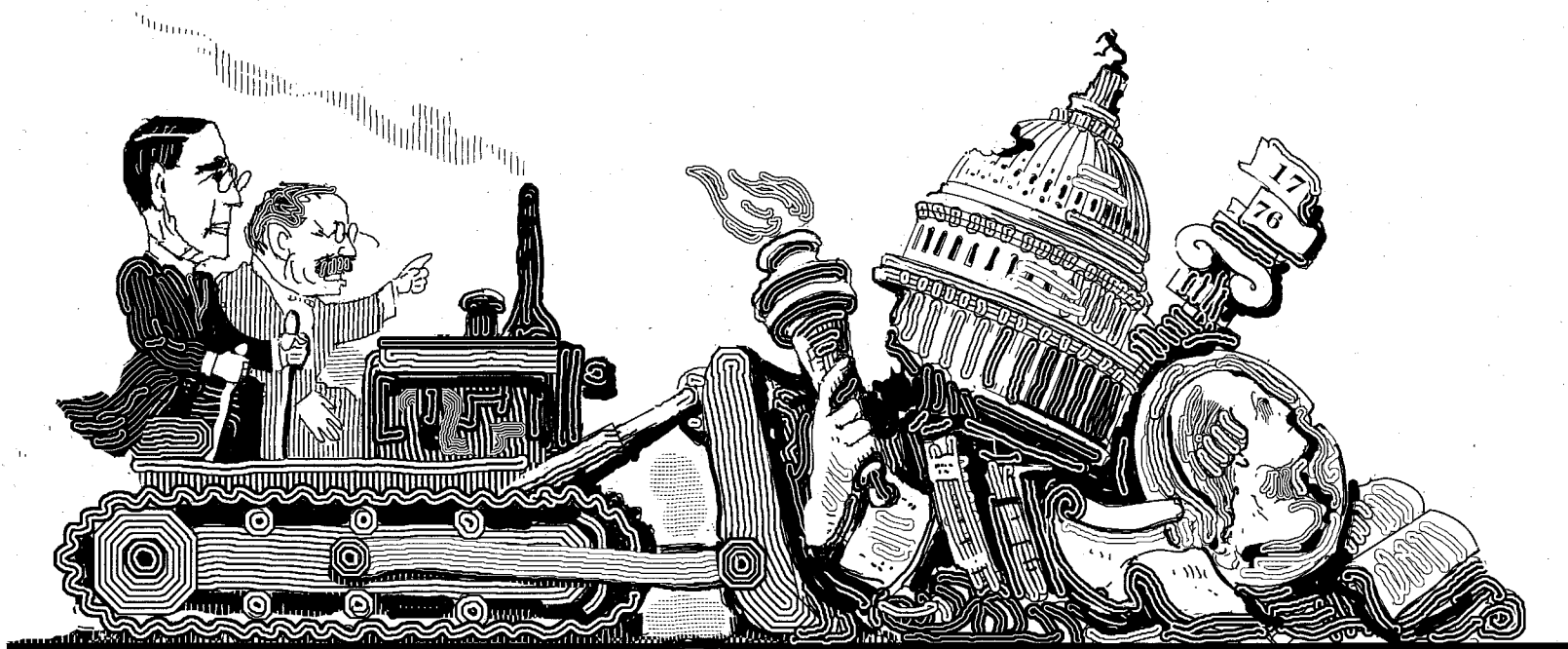
But in the end, judicial virtue must be the product of both the man and the office. Referring to the process of judgment, the philosopher Michael Polanyi observed, "The freedom of the subjective person to do as he pleases is overruled by the freedom of the responsible person to act as he must." Only when the learned and modest man prudently weighs text, purpose, history, structure, precedent, and reason, can he exhibit the virtue of a judge. The man magnifies the office, and the office magnifies the man.

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Book Review by Michael M. Uhlmann

THE LIBERALS' CONSTITUTION

Living Constitution, Dying Faith: Progressivism and the New Science of Jurisprudence,
by Bradley C.S. Watson. ISI Books, 250 pages, \$25



OVER A CENTURY HAS PASSED SINCE Progressivism made its presence known in American political culture. Though library shelves bend under the weight of scholarly assessments of its origins, growth, and impact, the term beggars precise definition. At once over- and under-inclusive, it has become a word of almost promiscuous utility among historians, who have variously deployed it to denote an era, a social movement, a specific economic and political agenda, and a philosophical outlook. Progressivism is all these things, and more. Coming to terms with it is made doubly difficult because reformers of many stripes who often disagreed about strategy and tactics nevertheless claimed the label. The problem is further compounded by the fact that Progressive thought was itself intellectually promiscuous, blending elements of Hegelian philosophy, social Darwinism, and millennial Protestant enthusiasms (among other ideas) into a distinctively American stew.

Sorting all this out is no easy task, the more so because so much of our understanding has been filtered through academic and popular authors who are generally sympathetic to Progressivism's goals, and have rewritten the history of

America to comport with their opinions. For most of the 20th century, virtually all leading texts in American history and government, like Progressivism itself, have been built on decidedly historicist presumptions. Typically, the story of Progressivism is portrayed in the form of an easily digestible morality play in which enlightened, forward-looking, public-spirited reformers triumphed over entrenched, reactionary, and venal interests. When discussing the American constitutional order, this literature tends to take at face value the argument first comprehensively articulated by Woodrow Wilson in the 1880s—that the American Founding was historically outmoded in its understanding of human nature, its embrace of natural rights, and its belief in limited government, and that its most distinctive features were anti-democratic, inefficient, or both.

Only in recent years has this literature been subjected to critical reassessment by scholars astutely trained in political philosophy. Revisionists such as John Marini, Charles Kessler, Ronald J. Pestritto, and Thomas G. West (to name only four) have challenged the conventional hagiography on empirical as well as philosophical grounds. In so doing, they have deeply enriched our understanding of Progress-

sivism's philosophical origins and pretensions and, no less, its destructive implications for the founders' regime. Now Bradley C.S. Watson, the Philip M. McKenna Chair in American and Western Political Thought at Saint Vincent College, gives us a welcome addition to this thoughtful, expanding literature. His *Living Constitution, Dying Faith: Progressivism and the New Science of Jurisprudence* is a work of brilliant compression. Indeed, what Watson pulls together in 200 pages is astonishing, both for its clarity and comprehensiveness, and for the skill with which it weaves together seemingly disparate strands of Progressivism's philosophical and political arguments. Until something better comes along, Watson's book may justly take pride of place as the primer of choice for students wishing to understand how the idea of the "living Constitution" came to be, and why it exercises a kind of talismanic charm over academic thinkers and jurists.

WATSON'S OVERARCHING THESIS—that constitutional jurisprudence today is thoroughly permeated by historicism and dogmatic moral skepticism—is not new. What is new is the way in which he

makes a coherent whole out of diverse strains of late 19th-century and early 20th-century Progressive legal speculation. The particular power of historicist thought in America, Watson argues, arose from the marriage of social Darwinism and pragmatism—a marriage that, when mediated by (among others) John Dewey, shaped mature Progressive thought and, by turns, the modern understanding of law as an eternally unfolding process without any fixed end in sight. The result is what Watson calls the “Organic Constitution,” in contrast to that of the founders. His first two chapters present crisp accounts of these contrasting concepts.

The third chapter, on social Darwinism, articulates the essence of that phenomenon in 30 pages without sacrificing anything of importance. The fourth chapter, “Progressive Political Leadership,” addresses in concise yet nuanced fashion the thought and actions of Woodrow Wilson and Theodore Roosevelt. These early chapters set the stage for his longest and in some respects most important chapter, “The New Science of Jurisprudence.” Here the reader will find thoughtful assessments of three jurists—Oliver Wendell Holmes, Jr., Louis Brandeis, and Benjamin Cardozo—whose opinions provided the juridical foundation for the living Constitution.

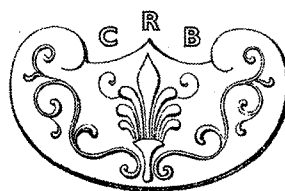
Watson’s portraits capture the kernel of their thought in remarkably succinct fashion, and his synopsis of Holmes’s jurisprudence in particular, which weighs in at a mere 16 pages, is as good as one can find in a short space. Along the way, Watson exposes the core contradiction that lies at the heart of modern jurisprudence: the rejection of permanent truth and the simultaneous insistence that society ought to be guided in a particular direction by experts who claim to know the inexorable laws of History. As Watson says:

There is a residual incoherence to progressivism as legal theory. It alternates between two poles. On the one hand, it expresses the desire to make decisions that are legitimate in the eyes of the community—ones that respond to something like the “felt necessities” of the age. On the other, it seeks to make decisions that counter what it claims is illegitimate majority will. Neither pole is rooted in constitutional text, tradition, logic, or structure, but rather in the judge’s view of just what necessities are most deeply felt, most in accord with social growth, and therefore most compatible with the dictates of History.

The chapter on law is followed by a brief *tour d’horizon* of academic progressivism, the rise of modern social science, and the myriad ways in which moral skepticism and historicism have permeated legal and political thought in the classroom and in the courts. Here, as elsewhere in his survey of progressive thought, Watson demonstrates a comfortable mastery of the materials under review, the kind of mastery that can come only from close reading of texts and many years of thoughtful teaching and learning.

All in all, Watson has performed a singular service. *Living Constitution, Dying Faith* is a splendid, compact introduction to modern constitutional jurisprudence. It is too much to expect that it will be read by law professors, who are long practiced at disguising their moral opinions beneath a veil of historical inevitability. But for curious students not yet overwhelmed by historicist premises, Watson’s primer will help them to understand the framers’ Constitution and, for those who love liberty, why it must be preserved—not as mere relic, but as the expression par excellence of what a living Constitution, rightly understood, ought to be.

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SACRED ENTERPRISE



SOME TIME LAST FALL, THE DEBATE OVER bank stabilization metastasized into a frontal assault on the principles of capitalism itself. Demagogues whose policies were largely to blame for the crisis trotted themselves out as saviors who would deliver us from the depredations of Wall Street greed. Flushed with victory at the polls, they set to work putting whole sectors of the economy under government control.

During those crucial months, the public heard little counterargument. Capitalism's defenders in academia, journalism, and think tanks went strangely mute, right at the moment their voices could have made a real difference. A short delay might have been excusable—all of us needed time to absorb and understand an extreme breakdown in financial markets that struck with breakneck speed. However, as the months rolled on and the threat of a socialist resurgence became more real, and still the self-appointed defenders of capitalism remained silent, it became clear enough that many of them were actually suffering a deeper crisis of confidence. By the time they finally started finding their voices, it was too late; the turn to Big Government was a *fait accompli*.

At the same time, some of capitalism's traditional political allies began defecting. Social conservative opinion leaders, especially evangelicals, have been shifting leftward on economics for some time. It is now common to hear even the most naïve and undigested liberal clichés circulated among evangelicals as though they were

profound discoveries. Savvy socialists like Jim Wallis, who have learned how to dress up their materialistic economic reductionism in religious language, have become big draws on evangelical campuses. Last year, evangelical voters lined up behind Mike Huckabee, whose populist proposals made economic conservatives apoplectic. And, of course, socially conservative Catholics remain deeply ambivalent about capitalism—as exemplified in the latest papal encyclical on the subject.

The diffidence of capitalist intellectuals and the disaffection of their social conservative allies are not two different problems. They are two sides of the same problem—a crisis in capitalism's moral philosophy.

The Efficiency Case

THERE HAVE ALWAYS BEEN TWO MODES OF argument in defending capitalism: an efficiency case and a moral case. The efficiency case argues that capitalism does the best job of accomplishing the economic outcomes that virtually everyone wants. The only available alternative, socialism in its endless variety of forms, produces inferior results on every metric. Whatever you care most about—the total amount of wealth produced, the alleviation of poverty, giving everyone an equal chance to succeed, distributing ownership widely, preserving the environment—capitalism gives you the best available outcome. From a practical standpoint, the obvious strength of the efficiency case is that it avoids divisive disagreements about ends or

goals. We need not choose between maximizing national wealth and caring for the poor, or between rewarding the most talented and helping those who can't help themselves, because capitalism does all of those things better than socialism, the only available alternative.

No doubt this explains why the efficiency case has enjoyed such a successful career. The small circle of intellectuals who made this case for capitalism so forcefully in the 20th century ended more suffering and created more freedom than almost any comparable group in history. And, not coincidentally, the argument has the additional merit of being true.

Nonetheless, from the standpoint of practical apologetics, when this argument stands alone it has some limitations. The efficiency case requires people to take a very broad, long-term perspective, whereas short-term results have a much stronger grip on human attention—and socialism promises immediate, concrete benefits. Moreover, the efficiency case is limited by people's moral convictions; if people believe something is evil, the response "But it works!" doesn't win arguments.

The Theology of Capitalism

THE MORAL CASE FOR CAPITALISM HAS A more complicated history. It is widely believed that capitalism developed as a result of the Reformation or the Enlightenment, or the two taken together. These transformative events certainly reshaped capitalism, but as an

economic arrangement it predates them. Of course, it wouldn't be profound to point out that "markets" and "commerce" have always existed. But even if we take a much stricter definition, the record still shows that capitalism dates back to the Middle Ages. In his landmark work *The Victory of Reason* (2005), Rodney Stark argues that the basic institutions that distinguish capitalism are a cash economy, credit markets, and the management of wealth by firms—rationally organized and meritocratically staffed organizations not dependent on kinship or household structures. Stark shows that all three of these existed in rudimentary form as early as the 9th century, were fully established in Italy no later than the 12th century, and before long had spread from there to the rest of Europe. A complex international system of banking and investment, managed by large financial and commercial firms, had been solidly entrenched for centuries by the time Martin Luther arrived, never mind John Locke.

Profit-seeking had always been controversial among Christians. Some of the early theologians, like Augustine, defended wealth accumulation if it was not motivated by greed. But among most of them, there was a tendency to treat profit as inherently greedy. While it was not considered necessarily wrong merely to possess wealth if you happened to have been blessed with it, going out and actively accumulating more wealth—profit—was frowned upon. The development of capitalism in subsequent centuries forced medieval theologians to revisit these moral judgments of the early church.

The central question for them, of course, was whether the early Church had rightly interpreted the Bible. In both the Old and New Testaments, the Bible robustly condemns greed and warns that wealth brings temptation, but it also expresses approval of wealth accumulated through diligence and self-control. Condemnation of the sins of the wealthy and prayers for greater material prosperity are both frequent themes in the Old Testament. Israelites were forbidden to charge interest on loans to each other, but were permitted to charge interest to foreigners. In the New Testament, the same Christ who said the salvation of a rich man would be impossible except for the omnipotence of God also gave us the parable of the talents, in which those who grow rich by making good use of what God gives them earn an eternal reward. In their epistles, the apostles instruct rich Christians to share their wealth with those in need, but they do not even remotely suggest that they must give it all away. In short, the early theologians had all the scriptural basis they needed to condemn profit. But they also had all the scriptural basis they needed to defend profit. To see

why most of them condemned it, we must look beyond the biblical text.

What predisposed them to condemn profit were the assumptions they inherited from ancient Greco-Roman society. It was Aristotle, not the Bible, who argued that profit-seeking is inherently evil. Aristotle defended private property, the division of labor, and voluntary exchange because they were more efficient than collectivism. But he seemed to assume that wealth was static—that the total amount of wealth in the world cannot be substantially increased. So if you have more, your neighbor by definition has less; thus profit-seeking impoverishes others. Subsequent philosophers, and ancient popular sentiment, had agreed with these views.

Most early Christian theologians conceived of wealth in the same way as their Greco-Roman forebears, and therefore came to almost exactly the same conclusions about it. They supported private property, labor, and exchange—St. Benedict, for example, wrote that you're not a true monk unless you live by

If people believe
something is evil, the
response "But it works!"
doesn't win arguments.

the labor of your own hands. But they treated profit as indistinguishable from greed. While scripture did not require the Aristotelian view, it also did not directly challenge it, so the static concept of wealth and the consequent hostility to profit passed into Christian tradition with little opposition.

There was, however, one important difference. Unlike their Greco-Roman predecessors, the early theologians grounded their moral philosophy in the scriptural doctrine that the individual human being is sacred because he is made in the image of God. Most early Christian writers, such as Irenaeus, Tertullian, and Clement of Alexandria, defended private property not because it is more efficient than collectivism, but because to interfere with property rights—except where justice requires it—treats people as though they were animals or tools rather than as creatures made in God's image. Christian belief in the sacredness of the individual is why slavery, which the ancients had condoned, was abolished in Europe under intense pressure from the Church after the decline of the Roman Empire.

Capitalism as an emerging fact of life forced the medieval theologians to consider whether their commitment to the sacredness of property, labor, and exchange could ultimately be squared with their opposition to profit. In the ancient world, with its low-tech economy and illiberal politics, there had seemed to be a pretty clear line between defending property and defending profit; it was one question whether it was wrong to let a person own his own things, and another whether it was wrong for a person to increase his share of the total things available. In the Middle Ages, however, less intrusive government and rapidly improving technology had changed the rules. Although full freedom was not extended to everybody—serfdom was dramatically better than slavery in a variety of ways, but it was still serfdom—the scope of individual liberty did expand considerably during this period; Stark links the original flowering of capitalism in 12th-century Italy to the emergence of more limited and democratic forms of government there. And as people were more often left to do what they wished with their own property, in the context of improving technologies of production and distribution, they had developed capitalism—and they were demonstrating that one man's profit did not necessarily leave others worse off.

The Original Moral Case

MEDIEVAL THEOLOGIANS BEGAN TO think that profit was more complicated than the early Church had assumed. The sacredness of property rights might imply that profit-making wasn't inherently evil after all. Perhaps the most decisive moment for the theological defense of profits came in the 13th century. Albertus Magnus, one of the greatest philosophers of the age, defended capitalistic practices in his most important work, *Sentences of Peter Lombard*. He repudiated efforts to determine the "just price" of goods by an abstract formula, writing that the only possible "just price" is whatever price is set "according to the estimation of the market at the time of sale." This meant people could buy low and sell high—making a profit—with a clear conscience.

Albertus's student Thomas Aquinas adopted and expanded upon his teacher's defense of markets in his *Summa Theologica*. In the Second Part of the Second Part, Question 77, Article 4, Aquinas summarizes and then rebuts Aristotle's case against profit. He reasons that honestly acquired profit does no harm, and some of our moral duties (such as giving to the poor) presuppose the generation of wealth. "Profit, which is the purpose of trade, while it does not in itself involve something honorable or necessary, also

does not of its nature imply something vicious or contrary to virtue," he writes. "Nothing prevents profit from being directed to a necessary or even honorable goal, so that trade is thereby made licit." The inclusion of this argument in the *Summa Theologica*, the 800-pound gorilla of medieval theology, represented a critical turning point for capitalism.

The intellectual battle over capitalism was drawn out over centuries. Various attempts were made to salvage as much as possible of the early Church's positions while also accommodating capitalism. The resulting intellectual gymnastics sometimes made the debates extraordinarily complex, as theologians drew finer and finer distinctions and piled nuance upon nuance. In his 1597 *Treatise on Money*, Luis de Molina briefly reviews the various meanings with which the term "exchange" had been used in medieval theological disputes over monetary theory. First he distinguishes "exchange in the strict sense," defined as including only exchanges performed by "innominate contract" in which "both of the things being exchanged are considered as price." Then he reviews several schemes of classification used to analyze this concept—one school of thought recognizes three basic types of exchange in the strict sense, one recognizes four, and one recognizes seven. Cutting across these schemes, Molina notes another distinction between pro-

ductive and unproductive exchanges, and yet another distinction (drawn in different ways by different schools) between "pure" and "impure" exchanges. Even if we follow Molina's advice and stick to the school that only recognizes three basic types ("there is no need to multiply the types of exchange") this implies twelve bewilderingly delineated categories of exchange—and remember, this only covers "exchange in the strict sense," not all exchange. "We have said all this," he concludes, "to better understand the doctors."

The end result, however, can be summed up simply. Mainstream Christian theology, while never compromising its condemnation of greed, largely abandoned its hostility to profit-making as such. Greed for profits was wrong, but profit-making in itself was beneficial. Even the Old Testament prohibition on charging interest within Israel gradually came to be seen as inapplicable to current circumstances.

This represented a moral case for capitalism. Interfering with people's property, labor, and exchange—except where necessary to uphold justice and sustain society—is a violation of the sacredness of the person. And increasing the total amount of available wealth is morally good, so it is wrong to stifle economic growth or to force potentially productive assets to lie wastefully dormant (such as by prohibiting the charging of interest).

This original moral case for capitalism did what the efficiency case alone could not have done: it answered the ancient moral objections to profit-seeking. It is difficult to imagine capitalism having flourished over the long term if this moral opposition had not been answered.

Moreover, the efficiency case for capitalism and the original moral case are not alternatives; they are complementary. When asked why we shouldn't take money from the fortunate and give it to the less fortunate, we can reply both "because it doesn't work" and "because stealing is wrong." Many thinkers—from Aquinas to Locke to our own time—have successfully availed themselves of both approaches.

After the rise of religious freedom, public policy was no longer based on Christian belief. But while the original moral case for capitalism began with Christian theology, it did not end there; the rise of religious freedom went hand in hand with the development of a more ecumenical argument for the transcendent worth of the individual. The Declaration of Independence, for example, declares that every human being is endowed by the Creator with equal and unalienable rights. These were understood to include the rights to private property and to voluntary exchange for the sake of bettering one's condition, subject only to minimal government regulation. So the moral case for capitalism weathered the transition from Christendom to the modern state with surprisingly little difficulty. Thomas Aquinas and Thomas Jefferson may have been at loggerheads on many other issues, but the moral case for capitalism could and did stand just as firmly on the natural theology and natural morality articulated by the Declaration as it had on the natural theology and natural morality articulated in the *Summa Theologica*.

The New Moral Case

AS THE PUBLIC SQUARE CAME TO BE MORALLY denuded in the 19th and 20th centuries, the moral argument for capitalism became less prominent. The case for capitalism was more often made on efficiency grounds alone. Equally important, those who did attempt to make a moral case for capitalism now did so on different, less philosophically robust grounds. Many of the most visible capitalist intellectuals—giants like Milton Friedman, Friedrich Hayek, and Ludwig von Mises—embraced a new moral case for capitalism that decisively rejected the old one based on the natural and divine significance of the individual. This new moral case was, either explicitly or implicitly, utilitarian and anti-metaphysical. It argued that government should forbid force and fraud

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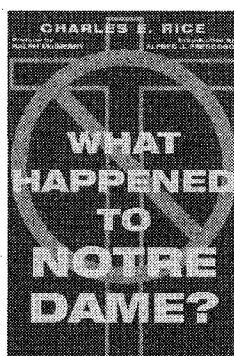
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not because the individual is transcendently sacred, but because this maximizes the satisfaction of people's preferences.

Of this group, Hayek saw most clearly the moral insufficiency of utilitarianism and relativism, and (perhaps for that reason) was the most sympathetic to religion. If a robust moral philosophy of capitalism was going to emerge from 20th-century capitalist thought, Hayek was most likely to produce it. But he did not.

Hayek rejected all transcendent grounds of morality. At the beginning of his multi-volume opus *Law, Legislation and Liberty* (1973), he asserts that there is nothing in man other than what has evolved through blind and purposeless natural selection. Man survives "because his thinking and acting are governed by rules which have by a process of selection been evolved in the society in which he lives." The human mind is no more than "the result of man having developed in society and having acquired those habits and practices that increased the chances of persistence of the group in which he lived." All arguments to the contrary are lumped together and summarily dismissed under the blanket label of "Cartesian dualism."

Thus for Hayek moral laws are no more than human traditions, which "evolve" through a process of self-criticism. "There can be no justification for representing the rules of just conduct as natural in the sense that they are part of an external and eternal order of things, or permanently implanted in an unalterable nature of man." Nonetheless, he insists that morality is "objective" because each of us experiences the tradition of his society as something external, beyond his power to change.

But Hayek's moral law is not "objective" in the sense in which traditional moral philosophy uses that term. For example, he writes that if he found an elderly Eskimo left behind in the wilderness to die in accordance with Eskimo traditions, he would not have a duty to help him. In fact, reviving the Eskimo from unconsciousness would be "clearly morally wrong"—unless, that is, "I regarded it as right...to transfer him into a wholly different society" that happened to have a preference for his survival. Despite Hayek's protests to the contrary, his moral philosophy doesn't really escape from the snare of utilitarianism and relativism. Whatever a society happens to prefer is his only moral law.

Though some have continued to make the original, transcendent moral case for capitalism, it is the new, utilitarian case that holds sway both among the most influential economic theorists and in the popular imagination. Many people now see capitalism as at best unconcerned with moral questions, and at worst hostile to objective moral principles.

The Road from Serfdom

THE FINANCIAL CRISIS REVEALED MAJOR weaknesses in the case for capitalism as it is made today. When the crisis arrived, capitalist intellectuals found they had little to say that would be persuasive to people caught in the grip of a national panic. Nor did they have much to say to social conservatives, who are an indispensable element of the political coalition upon which capitalism's survival depends. These two weaknesses correspond to the two limitations, noted above, under which the efficiency case for capitalism labors when it is divorced from moral philosophy. Arguments that appeal to efficiency alone are ineffective during a panic because the natural human tendency to short-sightedness is then at its maximum force. People don't want to hear about the general principles of efficient driving if they think the car is about to go off a cliff. And social conservatives are disaffected because the efficiency case doesn't address their moral anxieties.

The original moral case for capitalism, grounded in the sacredness of the person, compensates for both these limitations. Consider, for example, this kind of rhetorical appeal: "It hurts when people are struggling to pay the bills, but that doesn't give them the right to

steal other people's money." That style of argument applies to short-term, concrete cases as well as to the overall, long-term good, and it answers moral concerns about capitalism. But when the crisis hit last year, too many of capitalism's defenders had forgotten how to talk that way.

The new Hayekian moral case, by contrast, positively exacerbates the problem on both fronts. Utilitarian moral theory is even more dependent than efficiency analysis (its close cousin) on taking a broad and long-term view, which people are not inclined to do during a panic. And the new argument's open hostility toward transcendent standards of right and wrong greatly increases social conservatives' alienation from capitalism.

The short-term prospects are dim; we seem to be not so much on the road to serfdom as on the superhighway. But there is a road back from serfdom, the road that leads upward once again to the high ground upon which Western civilization long stood: fidelity to the liberty and dignity of the human individual.

Greg Forster is program director for American History, Economics, and Religion at the Kern Family Foundation and the author of *The Contested Public Square: The Crisis of Christianity and Politics* (InterVarsity Press).

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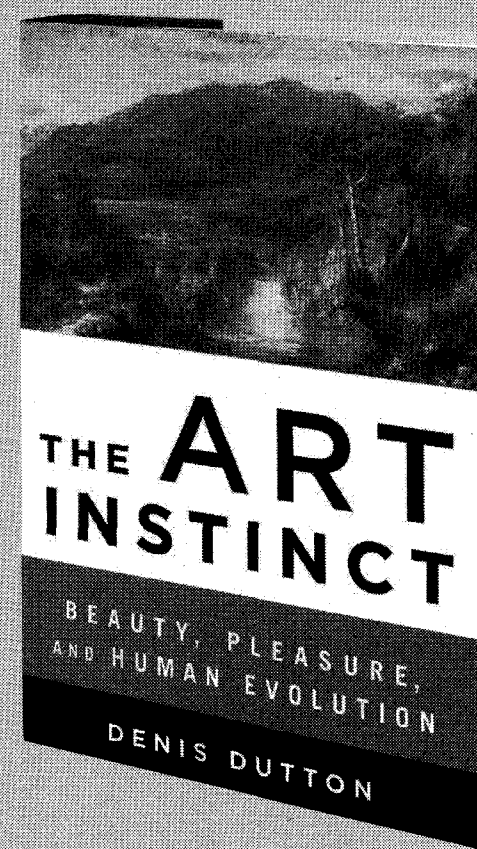
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Book Review by Paul A. Rahe

HERODOTUS RENAISSANCE

The Landmark Herodotus: The Histories, edited by Robert B. Strassler.
Pantheon Books, 1024 pages, \$45 (cloth), \$27 (paper)

A Commentary on Herodotus, Books I-IV, by David Asheri, Alan Lloyd, and Aldo Corcella,
edited by Oswyn Murray. Oxford University Press, 800 pages, \$399

Histories, Book VIII, by Herodotus, edited by A.M. Bowie.
Cambridge University Press, 274 pages, \$99 (cloth), \$36.99 (paper)

Histories, Book IX, by Herodotus, edited by Michael A. Flower and John Marincola.
Cambridge University Press, 374 pages, \$99 (cloth), \$37.99 (paper)

ROBERT STRASSLER IS A WONDER. IN school and college, he studied neither Greek nor Latin. At Harvard, for a short time, he profited from tutelage by a retired Oxford modern history don who had minored in classics. But Strassler did not major in classics, devote himself to ancient history, or go on to do a Ph.D. Instead, after finishing his history B.A., he shifted to Harvard Business School, whence he graduated as a Baker Scholar in the top 5% of the class. Then, he joined his father's turn-around business, and over the next 20 years helped manage a marine shipyard, a steel mill, a printing press manufacturer, a retail department store, a die-casting company, a plastic extrusion firm, a shoe machinery company, and, finally, a small company in the oil-field equipment business. In 1983, shortly before the oil boom went bust, he sold that business and retired at the ripe old age of 46, left Tulsa, Oklahoma, and moved to Massachusetts, where, with his brother, he ran a small capital-investments firm. Six years later, having abandoned his original vocation, he took up once again the love with which he had briefly flirted as an undergraduate—the study of ancient Greek history.

During the next seven years, Strassler devoted his spare time, which was considerable, to the preparation of an edition of Thucydides in translation—adding 114 maps (located on or near the page where the pertinent event is described); explanatory footnotes keyed to the maps; marginal notes; headers indicating the date, the location, and the events being described; an introduction by Victor Davis Hanson; a highly detailed index; and 11 appendices on technical questions arising within the text, written by Hanson and other classical scholars armed with the requisite expertise. Strassler's aim was to make a recondite work of great interest accessible to the man on the street. But, much to his chagrin and to the surprise of his

agent Glen Hartley, he found that no one was willing to give him an advance and that 12 of the 13 publishers approached (including six prominent university presses) had no interest whatsoever in the project. Had it not been for the audacity and imagination of Adam Bellow at the Free Press, we might never have had *The Landmark Thucydides*.

In this enterprise, Strassler operated in the manner of a general contractor. He did the maps himself, and much of the rest he subcontracted out. He bore all of the pre-publishing costs, and they were considerable. But when the book appeared in 1996, there were rewards—for the Free Press and for Strassler himself—because *The Landmark Thucydides* sold more than 30,000 copies in hardback and an additional 40,000 in paperback, and there is no reason to suppose that it will ever go out of print. No one in his right mind, teaching a course in Greek history, would employ any other edition. No casual reader would be well-advised to look elsewhere. The maps alone are worth ten times the cost of the book. With their help, the narrative becomes intelligible to the non-expert reader for the first time. Put simply, Strassler's maps are to the study of Thucydides what wheels are to luggage. Once they are added and you see the result, you are aghast that no one had the wit to add them earlier.

STRASSLER'S THUCYDIDES HAD ONLY TWO defects. Thucydides' *History of the Peloponnesian War* is not just a narrative account; it is a quasi-philosophical literary work—an extended meditation, composed with very great care, dealing with political regimes, armed conflict, politics, power, and the manifold pressure brought to bear on political communities by the horrors of ongoing warfare that seems to have no end. One gets a whiff of this in Hanson's all-too-brief introduction, but next to nothing is said on the subject in the appendices. An inter-

pretive essay of 20 or 30 pages might have been added at the end.

Strassler's omission in this regard is a shame, but it does no great harm. Interested readers can easily enough turn to the secondary literature on the subject, which is vast and exceedingly rich. One can still read Francis M. Cornford's *Thucydides Mythistoricus* (1907) with profit; Leo Strauss's essay on the subject is a wonder; there are good books by Jacqueline de Romilly, Charles Norris Cochrane, John Finley, Michael Palmer, Steven Forde, and Hans-Peter Stahl; and the more recent work by scholars such as W. Robert Connor and Clifford Orwin is a delight. Thucydides has received the attention that is his due.

The second defect in *The Landmark Thucydides* is far more serious. Strassler is competent neither in Latin nor Greek, and he chose not to commission a new translation, which would have increased his costs considerably. Instead, on the advice of a number of classicists, he republished Richard Crawley's rendering, which had first appeared in 1874 and was in the public domain. With regard to the narrative, this was not a bad choice. Crawley's translation retains something of the force and power of the original Greek. With regard to the speeches and the handful of crucial digressions in which Thucydides hints at his own analysis of events, however, Crawley's rendering is grossly inadequate, for it is wildly inconsistent in its translation of the key terms that Thucydides and the Greeks of his time deployed to convey their evaluation of events, policies, and persons. The Strassler edition is almost useless to students reading Cornford, Strauss, Connor, Orwin, and the like. They would be much better off consulting the translation that Thomas Hobbes published in 1628, which, more often than not, wonderfully captures the nuance and tone of the theoretical passages in the original. Had Strassler substituted Hobbes's translation of the key passages for that in Crawley, and had he hired someone to check Hobbes against the



Greek and to modernize with care and discretion his prose, *The Landmark Thucydides* would have been a much better book.

ONE MIGHT THINK THAT THE SUCCESS OF Strassler's bold endeavor would have stimulated competition. Classicists are, by and large, an impecunious lot, lusting for lucre; the list of ancient texts crying out for similar treatment is exceedingly long; and one could easily imagine enterprising editors at Oxford University Press, at Cambridge, Harvard, or Yale, jumping at the opportunity he had opened up. But 13 years have passed. In the interim, no one else has stepped forward; and Strassler has re-entered the market—this time with an edition of Herodotus, for which he received a generous advance from Pantheon Books, and with an announcement, on the website of that commercial publisher, that it is to be followed by Landmark editions of Polybius, Arrian, and Xenophon. In my lifetime, no one has done as much for the study of ancient history as this non-academic amateur enthusiast. He is, in the fullest sense of the word, a patron of learning, and he has in the process made himself into a learned man.

Like its predecessor, *The Landmark Herodotus* is a treasure. The format is almost precisely the same. There is an informative introduction by Rosalind Thomas of Balliol College, Oxford; there are 21 appendices in the back dealing with everything from steppe culture north of the Black Sea to Herodotus' treatment of women and marriage; there is a highly detailed index; and there is a map every two or three pages. Moreover, the maps in this volume are drawn from *The Barrington Atlas of the Greek and Roman World*, which was published in 2000, and they are superior to those in the Thucydides volume.

Strassler has added an outline of the text with dates to help readers grasp the structure of the book and the chronology of the period it

covers, and he has provided a host of well-chosen illustrations to give readers a sense of what it is to which Herodotus is referring in a given passage. The result is exceedingly satisfying, and I have no doubt that the publication of this volume and of the other volumes that Strassler has in the works will draw to Herodotus and the other ancient historians a host of readers who would otherwise have found these works impenetrable.

The Landmark Herodotus differs from *The Landmark Thucydides* in one other particular. This time, Strassler hired a classicist to translate the book. This should have enabled him to avoid the one significant pitfall that he encountered with the earlier work. Like Thucydides, Herodotus is a figure of quasi-philosophic importance. His *historiai*—the word means *inquiries*—is much more than a narrative. It is also an anthropology, which is to say that in it Herodotus investigates the *nomoi*—the laws, customs, and ways—of the Persians and of the various peoples they encountered in the course of carrying out their conquests, and that he does so with an eye to evaluating the multifarious sociopolitical regimes that exist in the world. His is a species of natural history. It is an inquiry into human diversity and into that which makes of the many nations a single human race. To do it justice in a translation, one must take great care to render the critical terms of moral and political evaluation deployed by Herodotus faithfully and consistently. This, alas, the translation does not do.

NEAR THE BEGINNING OF THE BOOK, Herodotus introduces us to Croesus, the ruler of Lydia, who was, he tells us, the first Asian monarch to subjugate Greeks. Then, he digresses, as he is wont to do, to tell us how the Mermnad dynasty to which Croesus belonged came to the Lydian throne; and it is in this context that he tells us the story of Croesus'

ancestor Gyges, a bodyguard in the house of the Heraclid ruler Kandaules, who overthrew his master, married his wife, and seized his throne. Herodotus refers to Kandaules as a *turannos* (1.7), and he later describes the rule of the Mermnads as a *turannis* (1.14). In Herodotus' day, as a glance at Sophocles' *Oedipus Turannos* will make clear, the term *turannos* was employed to distinguish a usurper from a *basileus* or legitimate king. Herodotus was certainly aware that he was deploying a loaded term. Later, in the so-called Persian Debate (3.80–83), the earliest surviving example we have of political theory, he has Otares, who had led a conspiracy against a usurper, lay out a fierce critique of monarchy on the grounds that the *monarchos* ("the one who rules alone") is likely to become a *turanos*. It comes, then, as a disappointment that Strassler's translator, Andrea L. Purvis, renders *turannos* as "monarch" in describing Kandaules and *turannis* as "kingship" in describing the Mermnad regime. Carolyn Dewald, in her appendix in the back of the volume on "Tyranny in Herodotus," suggests that "the semantic field of the word" may originally have "implied little more than 'reigning monarch.'" But even if one were persuaded of this, it would be illegitimate to translate the Greek term and its cognates in such a fashion as to make the question of Herodotus' own deployment of the word simply disappear. Had Purvis translated *turannos* and *turannis* consistently as "tyrant" and "tyranny," she would have left it to readers to sort out Herodotus' meaning with Dewald's help. As it stands, she has imposed her own interpretation on the pertinent passages and denied to Dewald's careful citation of the passages any correspondence with the English text.

This is not an isolated instance. In translating the Persian Debate (3.80–83), where Herodotus repeatedly uses the term *hubris* and its cognates, she engages in elegant variation, sometimes translating the word as "arro-

gance" and sometimes as "insolence." Had she been consistent in translating the term and its cognates, especially had Strassler added a note to indicate the underlying Greek term, readers would have been able to see the shape of the argument with some clarity. As it happens, clarity has been sacrificed for the sake of an elegance alien to the original.

Purvis is also fast and loose with the English word *nature*. Here is a matter where clarity and accuracy is absolutely essential, for the distinction between *physis* or nature and *nomos*—meaning convention, custom, or law—was central to philosophical debate in Herodotus' lifetime, and Herodotus himself is profoundly concerned with the status of *nomos* and with the assessment of rival *nomoi*. It may make sense to introduce the word "nature" into the translation where Herodotus uses the etymologically related verb *emphuetai* to indicate that *hubris* and envy are likely to "grow up" within a monarch (3.80.4), although this is a stretch. But there is no sanction whatsoever for the use of the term in translating the subsequent passage (3.80.5: "his character is most inconsistent in nature") where the original Greek (*anarmostaton de panton*) merely indicates that, in being "at odds with himself," he had no rivals. In short, the translation that Strassler commissioned for this volume is of no more use to students of classical literature, philosophy, and political theory than is Crawley's rendering of Thucydides.

HERE AGAIN, THERE IS NO INTERPRETIVE essay, looking at the book as a book. Had Strassler commissioned such an essay, he would have been able to alert the readers of this volume to the literary qualities of Herodotus' *Inquiries* and to its philosophical significance as well. Moreover, the author of such an essay would have been in a position to make him aware of the grave defects in the translation.

Of course, here, too, one can turn to the secondary literature. One can still learn a great deal from John L. Myers's *Herodotus, Father of History* (1953); Seth Benardete's *Herodotean Inquiries* (1969) is penetrating, if difficult of access; and there is much of value in the books by scholars such as Henry Immerwahr, François Hartog, Stewart Flory, Ann Ward, and Rosalind Thomas (to name just a few). Unfortunately, however, none of these works—apart from Benardete's cryptic account—comes to grips in a systematic fashion with Herodotus' intention and with the purpose underpinning the design of his *historiai*. In this important particular, Herodotus has not been as well-served as Thucydides—perhaps because his charms as a storyteller hide his incisiveness as an analyst. One can only hope that the publication

of Strassler's *Landmark Herodotus* redirects scholarly attention to this relatively neglected figure. If it does so, however, scholars will have to prepare themselves for tackling Herodotus by reading him in the original with the help of the massive commentary on his text published in Italian in recent years by David Asheri, Alan Lloyd, Aldo Corcella, and others, which is being translated into English and republished by a team of young scholars directed by Oswyn Murray and Alfonso Moreno.

Students of Thucydides have long profited from *A Historical Commentary on Thucydides*, which was begun in the 1930s by Arnold W. Gomme and finished off some decades ago by Antony Andrewes and K.J. Dover, and they can now take full advantage of the *Commentary on Thucydides* published in three volumes over the last two decades by Simon Hornblower. Until quite recently, however, students of Herodotus have had to make do with the two-volume *Commentary on Herodotus* published by Walter Wybergh How and Joseph Wells in 1912. Things improved when Cambridge University Press began commissioning scholars such as A.M. Bowie, Michael A. Flower, and John Marincola to edit the Greek text of individual books of Herodotus and write circumscribed commentaries thereon. But, valuable though the two volumes thus far published in this series may be, these do not bear comparison with what Asheri, Lloyd, Corcella, and their colleagues have done.

The volumes edited by Bowie and by Flower and Marincola are full of useful information, but they are aimed first and foremost at undergraduates assigned to read the individual books. They provide philological pointers and help in evaluating historical claims, but they do not provide guidance with regard to the secondary literature. This Asheri, Lloyd, and Corcella do—and more. Their volume, soon to be followed by another, rivals in quality the commentaries on Thucydides produced by Gomme, his colleagues, and Hornblower. It begins with a 56-page essay by Asheri on Herodotus and his work as a whole, which will serve as the starting point for all future scholarship. It is meticulous, thorough, and sensible—even where one might be inclined to reach different conclusions. This essay is followed by Asheri's brief, incisive introduction to the first of Herodotus' nine books and, then, by his detailed commentary on each of the paragraphs of that book. Lloyd does the same for the second book; Asheri, for the third book; and Corcella, for the fourth book.

The commentary that they provide is especially useful because it is in these books that Herodotus discusses the history and culture of ancient Lydia, Persia, Babylonia, Egypt, and

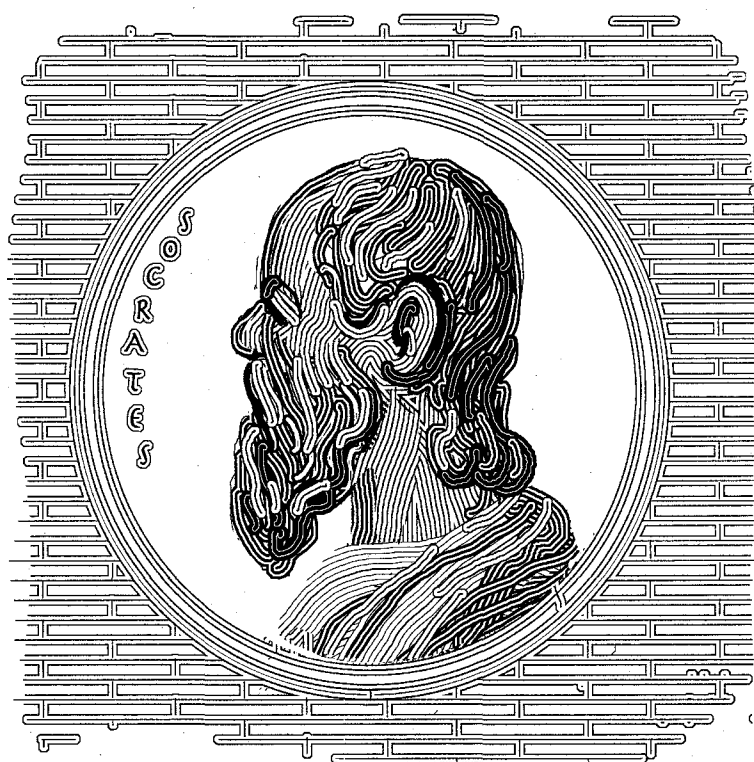
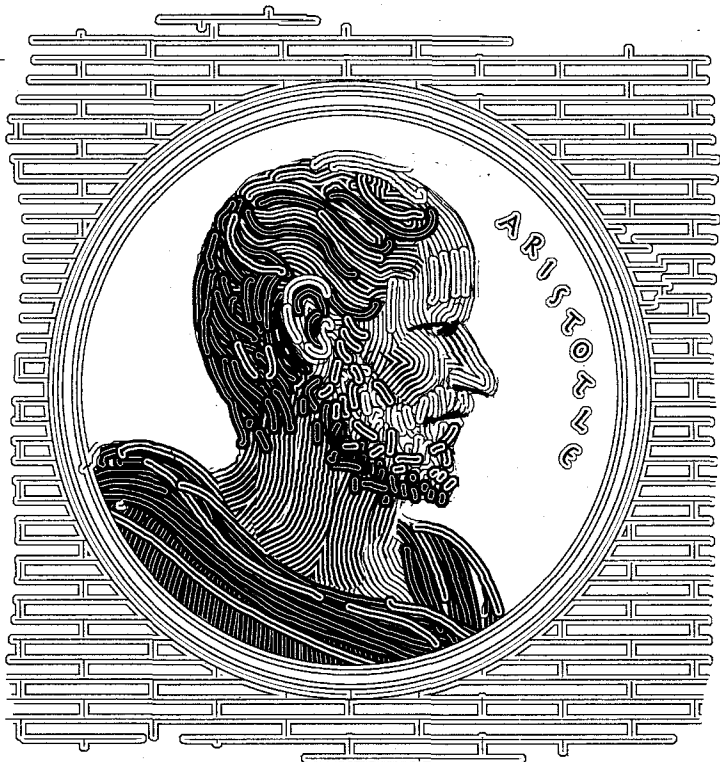
Scythia; and Asheri, Lloyd, and Corcella are exceedingly well-informed concerning the scholarship on the ancient Near East and Scythia produced by those who work in the pertinent sub-fields. In consequence, they are in an excellent position to determine the accuracy of Herodotus' account, to judge his veracity, to clarify where he was mistaken and why, and to make sense of some of his more cryptic claims. The level of their erudition is breathtaking, and the translators who produced this volume did a remarkable job of rendering their Italian into an English noteworthy for its clarity and precision. It makes one anticipate with bated breath the publication of the succeeding volume.

IT WOULD, OF COURSE, BE EASY TO QUIBBLE with their judgment in particulars. Asheri is, I think, too quick in passing by the evidence suggesting that Sophocles and Aristophanes drew on and responded to material in Herodotus, and his contention that Herodotus' *Inquiries* is incomplete suggests on his part a lack of literary imagination with regard to the point of its abrupt conclusion. But his great virtue is that he always makes one aware of the argument on the other side. My only serious regret is that Asheri and his colleagues adopted a separatist perspective in their commentary. They may, of course, be correct that Herodotus visited Babylonia, Phoenicia, Egypt, and the Pontus and began writing ethnography before he decided to do a history of the Persian Wars. These are not places of central importance for understanding the events that took place in the Aegean in the years stretching from 500 to 479 B.C. But, while Herodotus acknowledges the presence within his *historiai* of a multitude of distinct accounts (*logoi*), he also insists that, taken together, they somehow constitute a single *logos*. Had the contributors to this volume taken this claim with greater seriousness, they would have been in a position to help us better understand the crucial question: what is it that makes Herodotus' *historiai* a single inquiry? What Asheri and his colleagues have done, however, is to make straight the way for someone else to address this question. Thanks to them and to Strassler, we stand, I suspect, at the beginning of a Herodotus Renaissance.

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THE BEAUTIFUL AND THE GOOD

Aristotle's Dialogue with Socrates: On the Nicomachean Ethics,
by Ronna Burger. University of Chicago Press, 306 pages, \$35



RONNA BURGER'S IMPRESSIVE NEW WORK, *Aristotle's Dialogue with Socrates*, is the fruit of a meticulous study of the *Nicomachean Ethics*. Itself a nuanced dialogue with Aristotle, Burger's book proposes that we read the *Ethics* as Aristotle's response to the ironic wisdom of Plato's Socrates. It thus brings out a dimension of the *Ethics* that no other treatment has: Aristotle's conversation with his teacher and his teacher's teacher.

Burger approaches this conversation with persistence, curiosity, and humility. From the introduction of the question of the human good and happiness in Book I of the *Ethics* through the final discussion of happiness and the turn to the *Politics* in Book X, she probes the corners of this complex work, chapter by chapter, line by line, sometimes word by word. In the course of her reflections, she considers Aristotle's seven explicit references to Socrates, three explicit references to Plato, and his several statements about philosophy, contemplation, and the theoretical life (all usefully collated in an appendix). She also draws out implicit references to Pla-

tonic dialogues to show how "in the treatment of almost every topic covered in the course of the *Ethics*, one can hear the echo of a discussion in the Platonic dialogues." As she interprets these echoes, Burger illuminates such vexed questions as Aristotle's various audiences; the meaning of function (*ergon*) and activity (*energeia*); the limits of the virtues, especially justice; prudence and the relation between ethical and intellectual virtue; the significance of the "new beginning" and "discovery of nature" in Book VII; the two treatments of pleasure and the lengthy investigation of friendship; and the concluding elevation of the theoretical life as best for a human being. In each of these discussions, she offers thought-provoking insights. Even the reader who disagrees with Burger will appreciate the freshness of her approach to the text.

Burger, a professor of philosophy at Tulane University, seeks to show how the *Ethics* can and must be read as a dialogue between Aristotle and Socrates, and as a kind of deed. The animating question of her study is "[H]ow is the teaching of the *Ethics* about human happiness

to be understood when its speeches are interpreted in light of the deed that we can call the action of the *Ethics*?" As we come to see, this action is "the sharing of speeches and thoughts," and its "subject matter is the human things—which means, above all, those conceptions of the just, the beautiful, and the good that play a determinative role in political life." As such, the action of the *Ethics* reveals itself to be a dialogue not only with the Platonic Socrates or the Socratic Plato, but also with its readers. By engaging interlocutors past and present, the work shows how the sharing of speeches and thoughts constitutes the highest form of friendship and "a realization at once of our political and our rational nature."

THE *ETHICS* BEGINS FROM OPINIONS ABOUT happiness, and particularly the opinions that are the subject matter of politics: those that concern "the beautiful and just things" and identify ethical virtue with the human good and the best life. This beginning point is crucial. Highlighting the Socratic claim that virtue

is knowledge, Aristotle in effect stages a debate with Socrates, whose claim would destroy the common understanding of virtue—for example, courage—as something moral, not intellectual. In his first explicit reference to Socrates, Aristotle attributes to him and then rejects the claim that courage is knowledge. That this representation is a caricature is indicated by the second reference in the *Ethics* to Socrates and his infamous irony; yet, Burger argues, Aristotle will ultimately concede a version of the Socratic position at the end of Book VI “with the acknowledgment of the truth in the Socratic claim that *phronēsis* [prudence] makes all the virtues a whole.” But by deferring this conclusion, Aristotle is able to show the inadequacies of an overly theoretical or “intellectualist” view of virtue, associated with the “pre-Socratic cosmologist,” and to illuminate and investigate from the “inside” the opinions about the beautiful and the just that constitute the principles of ethical virtue.

Aristotle’s examination of the first five virtues highlights the beautiful (*to kalon*) as the end or goal of ethical virtue. The beautiful as an end provides the motivation of ethical action and prevents the reduction of virtue to knowledge, which is the tendency of the Socratic claim. At its peak in the first complete virtue, “greatness of soul,” or magnanimity, the beautiful seeks to be an “independent principle” of ethical virtue. The limits of this seeking point in the direction of the second complete virtue and principle, namely, justice: “Greatness of soul appears in the ethical world as the beautiful incarnate; but at its core is a demand for justice—for the unequal honor that superior worth deserves—which cannot be satisfied.” Yet Aristotle’s investigation of ethical virtue, and its two complete virtues, also shows how neither principle on its own or in conjunction with the other can provide an independent basis for ethical virtue; indeed, the beautiful and the just are sometimes in tension with each other.

BURGER’S PRESENTATION OF THE ARGUMENT of the *Ethics* in Books I through V prepares for the continued investigation of these limitations and their consequences in Books VI through X. I note only a couple of central themes of her rich study of these books. In addition to deferring the Socratic view that virtue is knowledge, Burger argues, Aristotle indicates that the beautiful is a “common principle that ethical virtue shares with love of wisdom.” As this common principle, which is at the core of “philosophical eros,” the beautiful “arouses a paradoxically disinterested longing,” which strives to transcend “self-interest” and to possess that which cannot be possessed.

But what, then, is the implication for a pursuit of wisdom motivated by the love of the beautiful? On the one hand, this pursuit leads to “pure *theōria*” as the “solitary or disinterested contemplation of the cosmic whole”; on the other hand, it leads to the highest form of friendship and *theōria* understood as the sharing of speeches and thoughts about the just, the beautiful, and the good. In the first case, the love of the beautiful offers a kind of illusion: to be led by this illusion is to seek that which cannot be possessed and to lack awareness of how one’s theoretical activity is in the service of one’s own good. In the second case, however, the love of the beautiful leads to the sharing of speeches and thoughts about the human things, the activity that is the core of

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philosophy, the ground of true friendship, and the highest human good.

Aristotle thus refines the view of the “serious” (*spoudaios*) human being, who is the source of correct opinions about the just, the beautiful, and the good, and he overturns the intellectualist views of pre-Socratics or misguided Socratics who err in understanding the philosophic life as the solitary or disinterested contemplation of the cosmos. Like the Platonic Socrates, then, Aristotle brings philosophy down from the heavens into the cities and helps us to see how political philosophy is its “eccentric core.”

SINCE BURGER’S STUDY OF THE *ETHICS* IS itself dialogic, it leaves its readers with important questions, three of which I mention in conclusion. First, even if, “in the treatment of almost every topic covered in the course of the *Ethics*, one can hear the echo of a discussion in the Platonic dialogues,” is it necessary to read the work through the Platonic-Socratic lens that Burger provides? Even if the *Ethics* can be read through this lens—a claim for which Burger’s work provides pow-

erful evidence—*must* it be read in this way? A consideration of this question is important because the way in which the *Ethics* is read is connected to, among other things, Burger’s central conclusions that the text must be understood in light of its action (the sharing of speeches and thoughts regarding the human things), and that this action constitutes *theōria* and the philosophic life properly understood.

This question points to a second: if Aristotle is intent on correcting the intellectualist picture of the philosophic life, why would his explicit depictions of this life, both in Book VI and in Book X, preserve and even emphasize the picture of philosophy as a contemplative activity whose focus is not the human things *per se* but those “more divine in their nature”—for example, “the things of which the cosmos is composed?” Indeed, in light of the true picture of the philosophic life, what are we to make of Aristotle’s own scientific and metaphysical works—where do they and the activity they reflect belong in the life of philosophy that Burger’s Aristotle points to?

Finally, is love of the beautiful rightly said to be the motivation of the philosophic life? As Burger acknowledges, even the apparently disinterested contemplation of the pre-Socratic cosmologist proves to be in the service of his good, and it would seem that any inquiry into the cosmic whole, whether by the pre-Socratic or the modern natural philosopher, is profoundly connected with the human good. By Burger’s own account, moreover, the good proves so fundamental in the pursuit of wisdom about the human things that it may be asked whether, for the Platonic Socrates and Socratic Aristotle, it is the good—and not the beautiful—that is the motivation of this pursuit.

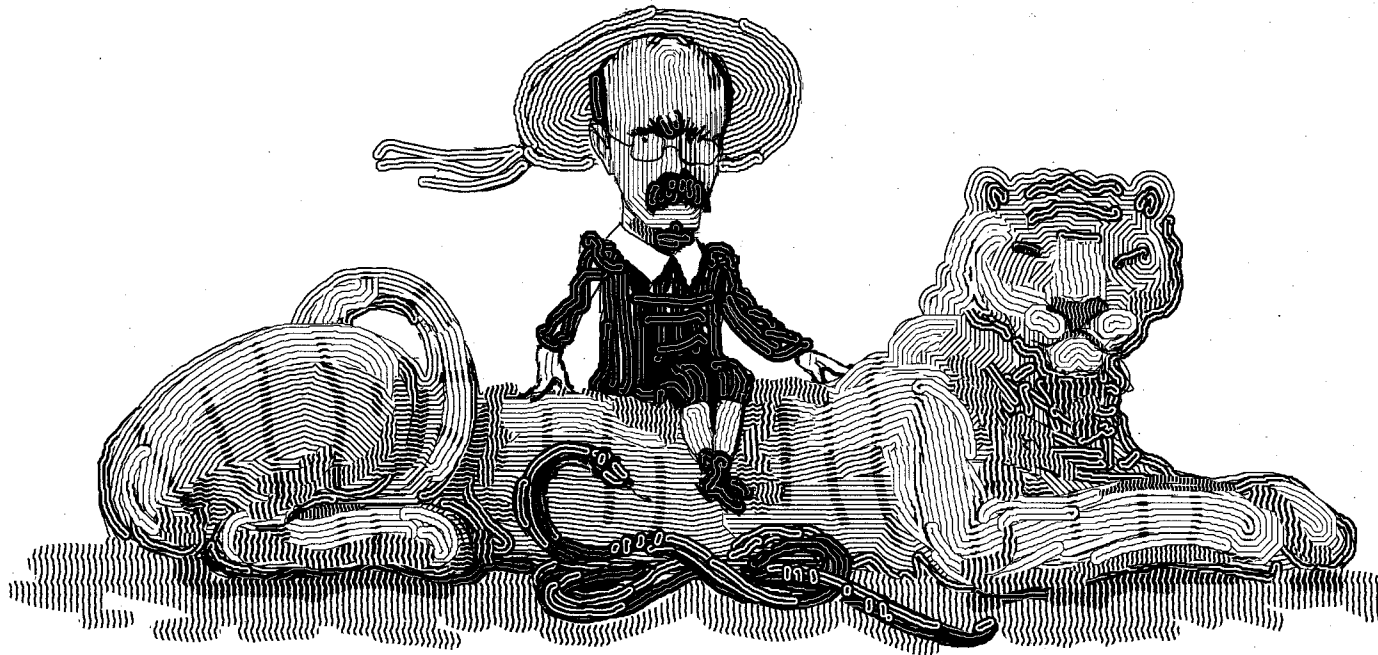
To raise these questions is only to acknowledge the excellence of Burger’s study of the *Ethics*. She invites her readers to reflect on the deepest ethical and theoretical questions, and to consider the alternatives Aristotle presents. Her impressive work is clearly the fruit of much solitary labor as well as friendly conversation, and it demonstrates Burger’s grasp not only of Aristotle’s thought but of the many Platonic dialogues she places in conversation with it. Above all, it is a book that testifies to the author’s philosophic sensibility and humanity, and especially to her deeply humane view of the character and goodness of the philosophic life.

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Book Review by John Derbyshire

RUDYARD'S ADVENTURES IN WONDERLAND

Kipling Sahib: India and the Making of Rudyard Kipling, 1865–1900,
by Charles Allen. Pegasus Books, 448 pages, \$28



THERE ARE THREE STORIES TO BE TOLD about Rudyard Kipling. First there is the straightforward biography, telling us what the man did and what happened to him. There have been many of these, Andrew Lycett's 1999 *Rudyard Kipling* being the most highly regarded of recent efforts—justly, in my opinion. For a much slighter and more idiosyncratic biography with many good pictures, Kingsley Amis's 1975 contribution to the Thames and Hudson "Literary Lives" series is well worth seeking out.

Then there is the peculiar story of Kipling's reputation. A huge literary star in the 1890s and 1900s, his stock fell precipitously following World War I. When he died in 1936, three weeks after his 70th birthday, his ashes were immured in Westminster Abbey's Poets' Corner; but, Charles Allen tells us, "not a single important literary figure troubled to attend."

The mood of geopolitical realism brought on by World War II led to some thoughtful, qualified re-evaluations of Kipling by T.S. Eliot, George Orwell, and Edmund Wilson. By the later 20th century it was possible to quote Kipling in quite elevated literary circles without being shown the door. He is now pretty generally recognized as a master storyteller and a gifted poet, with opinions often deplorable but of their time.

The third story to be told is the one Charles Allen has tackled here: the story of Kipling as a writer. Where did he get his stock of material? How did he then use it? Of the things that he did, and the things that happened to him, which contributed to his art, and which did not? Allen's answer to the first question is implicit in the title of his book. It was principally India that furnished Kipling's literary imagination.

Kipling was, to be sure, a skillful writer who could make a decent story or poem out of anything. The *Stalky & Co.* stories were drawn from his schooldays in England. *Captains Courageous* was assembled from tales told by the Kiplings' family doctor in Vermont, who had been a cod fisherman in his youth. Many of Kipling's best-loved and most memorable poems—"The Glory of the Garden," "If—," "Recessional"—are nothing to do with India. If not for India, though, there would have been no *Jungle Books*, no *Plain Tales from the Hills*, no *Barrack-Room Ballads*. Above all, there would have been no *Kim*. If not for India, Rudyard Kipling would be remembered as a second- or third-rank Victorian/Edwardian popular writer: a Sir Henry Newbolt, perhaps—at best, a Robert Louis Stevenson.

It was with *Kim*, Allen argues, that Kipling finally worked out the rich deposits laid down by his Indian experiences. The book was finished in August 1900, when Kipling was

34—less than halfway through his life. It is an adventure story set in India. Kim is a Lahore street urchin; but he is white, the orphaned son of an Irish soldier. Street-smart and resourceful, he becomes the disciple and protector of an unworldly Buddhist lama. They travel together across India, the lama seeking enlightenment, Kim finding his father's old regiment and being recruited as a spy into the Great Game of Central Asian power-diplomacy. Brilliantly descriptive of India and suffused with the mystery of human existence, *Kim* became a cult book among 20th-century spies—Allen Dulles kept a copy at his bedside. Henry James called it "a magnificent book."

We know from Kipling's correspondence with family members in England that *Kim* had been gestating for 16 years at least. Once it had been written there was little left of his Indian material to draw from, and the remainder of Kipling's writing career is, in Charles Allen's view, of secondary interest, or less.

Kim was the last real victory of the intuitive, Indian side of his head. It was also Kipling's farewell to India, to his childhood, perhaps even to his Daemon—although he himself believed that it returned to him once more when he wrote *Puck of Pook's Hill* for his two surviving children....

KIPLING WAS BORN IN INDIA AND SPENT the first five and a half years of his life there. His father was an instructor in art, architecture, and sculpture at a public college in Bombay. Rudyard—he is “Ruddy” all through Allen’s book—and his younger sister Alice (“Trix”) were raised mainly by Indian servants, to the degree that they had to be reminded to speak English when in the presence of their parents. Many of the fragments of Indian languages in Kipling’s poems and stories were not taken from phrase-books or dictionaries, but from his own remotest memories.

That initial spell of total cultural immersion was supplemented by what Kipling referred to as his “seven years’ hard” (hard labor, that is) from ages 16 to 23, when he was an editor of, and contributor to, English-language newspapers in India owned by the entrepreneur Sir George Allen. Those twelve and a half years aggregate, ending before Kipling’s 24th birthday, were the whole of his Indian life. (The 11-year interruption was spent in England with foster-parents and relatives, and at boarding school.) Kipling made a flying visit to India in December 1891, but never returned thereafter.

The author of *Kipling Sahib* is a great-grandson of that same Sir George Allen. “My grandfather claimed to have played with Rudyard Kipling in Simla in 1884 when he was five and the latter eighteen,” he tells us in a poignant preface. Charles Allen himself was born in India in the last years of the British Raj, and has kept up a lifelong fascination with the country and with Kipling. He is thus well-placed to guide us through the chambers and courtyards of Kipling’s mind, to seek out the Indian springs of his literary inspiration.

Believing as he does, and as he argues very convincingly, that the writing of *Kim* squeezed the last few drops from those springs, Allen ends his book in 1900. The whole of the rest of Kipling’s life is covered in a single concluding paragraph. Kipling’s English boyhood, from his sixth year to his 16th, is similarly compressed to less than 30 pages. The 1890s, the years of Kipling’s early fame in England and America, as well as of his marriage and the birth of his children, are adequately treated. But three-quarters of *Kipling Sahib* are set in India: in the clamorous, concentrated Indian-ness of Bombay, in the more Muslim and historically evocative Lahore (now in Pakistan), and in the breezy hill stations where the English went to socialize away from the intolerable heat of the plains. Those three environments worked through to Kipling’s writing as three quite separate worlds.

Of life in Bombay, being an infant, Kipling knew very little. From the Indian servants he spent most of his time with, though, he would certainly have heard folk tales.

Every European child raised in India with an *ayah* heard stories drawn, directly or indirectly, from the much-loved *Jatakas*, tales of birds and beasts and men, and their interactions, based on ancient Buddhist moral tales.

English translations of these folk tales were circulating in India in the 1880s during Kipling’s “seven years’ hard”; and in 1892 Kipling’s friend Rider Haggard published an African story about a boy who ran with a pack of wild dogs. How much of the material in *The Jungle Books* was inspired by these later versions, and how much by his own infant recollections, we do not know. Probably it had all settled together at some deep mental level, needing only some event to stir it into motion.

The triggering event was the birth of Kipling’s first child, Josephine, in December 1892. Allen tells us that “by the autumn Carrie’s developing pregnancy had set him thinking about children and childhood, reawakening his own inner child, long dormant.” Little Josephine was to die tragically six years later; and that event, Allen argues, opened up altogether the path from Kipling’s adult present to his Indian childhood and youth.

IF BOMBAY GAVE US THE JUNGLE BOOKS, IT was the hill stations that gave us the clever, scheming Mrs. Hauksbee from several of the short stories, the first of Kipling’s fictional characters to become widely known. All sorts of things were at play here, Allen tells us. Perhaps foremost was the strong attraction Kipling felt towards older women. This was innate, a constant in Kipling’s life. Flo Garrard, his first and most enduring infatuation, was only one year his senior; but then, he was only 14 when they met. To the distress of adult Ruddy, she turned out a lesbian. Edmonia Hill, the inaccessibly married grand passion of his later India years, was seven years older than he. His eventual bride was a mere three years older. (Allen says two, but all the sources disagree.)

In those Indian hill stations, though, the late-teen Kipling encountered the mature memsahib in quantity, and was fascinated. At age 21 he was writing: “Women of forty to fifty and upwards...have more individuality than English women. They know more of life, death, sickness and trouble...and this makes them broader in their views.” This was undoubtedly true. Kipling is using “English” there as a contrast with “Anglo-Indian”—a term which in Kipling’s time, as Charles Allen helpfully explains, meant the British in India. An Anglo-Indian woman who was 40 or 50 in the early 1880s would likely have lost children to tropical fevers, perhaps a husband to the 1878–80 Af-

ghan War or some border skirmish. She might have witnessed the 1857 Mutiny, when Indian troops slaughtered all the British they could find. These were tough ladies.

The toughness would have appealed to Kipling at least as much as the matronly qualities. He was very much a writer of the “cold eye,” with a realistic approach to human weakness and a fondness for plain talk. It is not quite the case that Kipling was incapable of sentimentality. Allen notes that he was particularly inclined to idealize the British officer caste in India, as in the rather treacly short story “Only a Subaltern.” Usually though, even Kipling’s sentimental works have a steel core—in “Mandalay,” for example, that sudden image of “our sick beneath the awnings” strikes like lightning through the nostalgic fog.

ANOTHER PART OF KIPLING’S EDUCATION in Anglo-Indian society and morals was the personal columns he was responsible for as a newspaper editor. In among the for-sale and house-to-let notices, Charles Allen tells us, were “a breath-taking number of private messages whose intent was all too clear.” Allen offers some examples, making it plain that if polo was the principal sport of British India, adultery came a close second. So far as I know, Allen is the first of Kipling’s biographers to identify this source for Kipling’s literary inspiration.

Even with that Bombay infancy and that erotic sparkle of hill-station Anglo-Indian socializing, however, there would have been no *Kim*, and none of the more penetrating stories about the lives of actual Indians, if Kipling had not acquainted himself with what Allen calls “the dark India.” As a very junior civilian, young Kipling was often left alone during the hot weather in Lahore while his seniors made for the hills. Allen gives a grim account of the misery endured in those stifling Indian summer nights, drawing on Kipling’s own recollections:

One solution tried and abandoned was to drag the bed from room to room in search of less heated air, another to sleep on the bungalow’s flat roof, “with the waterman to throw half-skinfuls of water on one’s parched carcase.” A third was to leave the bungalow altogether and walk....

It was in these night prowls that Kipling learned about Indian India: the night-life of street shows and festivals, of gambling shops, of shebeens and opium dens. Of brothels, too, very likely, though the evidence here is circumstantial.

Kipling put some of this into his early poems and stories. He watered it down to fit within the limits set by Anglo-Indian race and sex taboos, but it was still strong stuff for some. Reviewing

Echoes, the book of poems Rudyard (aged 18) and Trix had written in 1884, one Anglo-Indian reviewer declared that some of the verses "ought never to have been published at all." What Kipling did not use of this rich "dark India" material settled down to ferment in his imagination, to be brought forth 15 years later in *Kim*.

It probably helped, from a creative point of view, that all this observation of Indian life, all this collecting of Indian experience, happened under the psychological tension of living among a race of people Kipling did not altogether trust—nor even, for the most part, like. Though he was intelligent and detached enough to see the human commonalities between Indian and Anglo-Indian, Kipling was still, even in the lowly station of a newspaperman, one of the occupiers. Said Orwell: "He identified himself with the ruling power and not with the opposition. In a gifted writer this seems to us strange and even disgusting, but it did have the advantage of giving Kipling a certain grip on reality." It is instructive to remember here that at the time of Kipling's birth in Bombay, the horrors of the Mutiny were only a little more than seven years in the past, and mistrust between the races must have still been running strong—strong enough, perhaps, to taint the mind of a five-year-old. Matters were more settled by the time of Kipling's "seven years' hard" in the 1880s, yet there is no reason to suppose that Kipling deviated much from the fear-tinged contempt towards "natives" that was the Anglo-Indian norm.

THERE WERE ATTITUDES WITHIN ATTITUDES here, one of the most marked differences being in Kipling's—and Anglo-India's generally—negative view of Hinduism, which was compared unfavorably with Islam. Some of this was imperialist fellow-feeling, the British having been preceded as rulers in north India by the Mughals, who were Muslim. Some was admiration for the martial virtues in Islam, which among Hindus were concentrated in one caste. Islam was personified by the proud warrior of the frontier, Hinduism by the "greasy Babu"—chiseling merchant or government employee. It was all grossly unfair. It was also somewhat counter-intuitive, the Mutiny having been more a Muslim than a Hindu affair.

Some anti-Hindu feeling was just solidarity with fellow monotheists. The more lurid aspects of Hindu worship were particularly objected to. Visiting Benares in 1888, Kipling wrote of the

place as a "city of monstrous creeds" filled with "the symbols of a brutal cult." The idol-free minimalism of Islam was more to the British taste. Kipling himself was an unreflective tribal Anglo-Christian, and those Indian night walks were an education in comparative religion for him. When the lama in *Kim* tells the boy, on-being asked, that he bows before the Excellent Law, "Kim accepted this new God without emotion. He knew already a few score." That is probably how Kipling felt by the time he left India.

Certainly Kipling did not feel the Indians were capable of self-government. The mélange of faiths, customs, and dialects he had encountered impressed on him the chaotic quality of Indian society. When the Indian National Congress held its fourth annual meeting in 1888, the fiercely anti-Congress George Allen sent Kipling to cover it. The young reporter did not disappoint.

Ruddy was more than happy to do his bit, having convinced himself that the Indian National Congress was a Hindu-dominated political party made up of men disqualified by breeding, religion, history, and education from ruling over the Indian masses—in marked contrast to the Muslims, in his view "the most masterful and powerful minority in the country," possessing strength of character, strong moral convictions based on their religion, and a long history as the traditional rulers of India.

It all seems very shocking in our multicultural age. It was the common conceit of the Victorian British, though, that the peace and stability they had brought to India allowed trade and the arts to flourish as they had not been able to 100 years earlier. The Duke of Wellington, who served in India 1797–1804, was proud of the peace he believed he had brought to the long-suffering Indian masses. And a very cynical person might say that the horrors of the 1947 partition at least partly justified the old British attitude.

Remarks Peter Watson in his 2000 book *The Modern Mind*: "Most of Hitler's ideas were nineteenth-century or turn-of-the-century ideas... and once they were formed, Hitler never changed them." You could replace the name "Hitler" with that of almost any other human being, with some corresponding adjustment of dates. Most of us

are "cooked all through" by our late 20s, and for the rest of our lives must draw on the mental capital accumulated in our salad days.

This is most especially true of creative writers. Certainly Kipling produced memorable things after *Kim*. That great favorite of conservatives everywhere "The Gods of the Copybook Headings," for example, dates from 1919. I think Charles Allen is correct, though, that when Kipling had worked out those seams of Indian ore, the vital spark that makes a writer's work truly distinctive was gone. Charles Allen:

[T]he best of what he imagined and wrote had its roots in the dark side of his head and what he had seen and heard in India. And the further he moved away from India in time as well as space, the stronger became that side of the head that was least Indian and most law-abiding and British. The balance was lost—only to be recovered when his love for his first-born and his grief at her loss took him back to "the life unaltered our childhood knew."

A full life of Kipling makes melancholy reading. He lost his beloved son in World War I, and his public esteem soon afterwards. Reading Allen's fine book, one almost wishes this were the entire life of Kipling, completed at 35.

THE YEAR OF RUDYARD KIPLING'S BIRTH, 1865, had seen the first publication of *Alice's Adventures in Wonderland*, written by another Victorian oddity who had managed somehow to return to his own childhood for long enough to make a literary masterpiece out of it.

Kipling, though, did the thing twice over. It was as if he had had two childhoods: one in Bombay, with the ayah murmuring tales of wolves, tigers, and forest spirits in his little ear, then another in Lahore, just as strange, fear-tinged, and night-haunted in its own way, just as well stocked with the grotesque and fantastic. The first childhood gave us *The Jungle Books*; the second, *Kim*. The creative miracle is that while Lewis Carroll's *Wonderland* was merely a dream, Kipling's was a real place: the place named India.

John Derbyshire's book *We Are Doomed: Reclaiming Conservative Pessimism* will be published by Crown Forum in September.

K-Street Consultants' Memo to the Somali Pirates

To: Mr. Yusuf
From: Stately, Plump, Buck, and Mulligan, LLC

Here is our memorandum, as promised, and we very much enjoyed meeting you (please return Mr. Goldstein, the fax machine, and the candy bowl). Your business model is admirable in view of its low start-up costs, high return on investment, lack of long-term obligations to employees, freedom from taxation, agility in the face of changing conditions, and absence of regulation. No expenditures are required for public relations, advertising, marketing, or employee recruitment. When necessary, you can liquidate your holdings with neither legal fees nor court supervision—although you yourself may be hanged. To answer the key question of how long you will be able to operate, you must take into account the resources and constraints of your competitors, the maritime nations represented in this analysis by the coastal states of NATO plus Japan.

Despite the dramatic shrinkage of the American military across nearly every category, the distraction of two minor wars, the smallest fleet since 1916, and even steeper reductions in the rest of NATO, cumulatively this group of states can put to sea more than a thousand ocean-going warships, almost 400,000 marines and special operation troops, more than 5,000 maritime aircraft, and thousands of land-based aircraft capable of operating from expeditionary airfields or at a great remove. The United States alone can deploy 335 naval and coast-guard surface combatants, 382,000 sailors and coast guardsmen, 187,000 marines, 43,000 special operations personnel, 4,600 maritime aircraft, and unprecedented resources in reconnaissance and surveillance. Though these nations are but shadows of what they once were, what they have is much more than sufficient to terminate your enterprise should they embark upon one or more of the following:

Protection Allowed: There are many impediments to the self-defense of merchantmen, including national and international statutes, insurance regulations, and government requirements, all of which, however, could easily be swept away by changes in law and policy that would encourage commercial vessels to take on private security teams.

Protection Provided: Special forces trained to work at sea, such as the USN Seals, with superior weaponry, rapid and continuous access to intelligence and surveillance networks, the ability to integrate with on-call naval and air forces, and the weight of the national militaries backing them, would be a step up from the previous option and could be provided by drawing upon less than 10% of their echelons.

Maritime Patrol: Modern naval vessels except for the smallest are usually equipped with helicopters and/or, in the case of aircraft carriers or amphibious ships, fixed-wing aircraft that can cover tens or even hundreds of thousands of square miles. Fifty ships of various types on station—less than 5% of available inventory—could largely cleanse your operational area.

Maritime Corridors and Convoys: The world's navies need no more patrol the northernmost quadrant of the Indian Ocean than during World War II the allies needed to purge the entire Atlantic of U-Boats. They can establish closely guarded transit lanes, and/or convoys, with a task force of only 20 active vessels or fewer, as each convoy would require

no more than a single frigate or equivalent. Ten discrete groupings of ships could move in both directions simultaneously, eliminating the need for vessels to wait long at assembly points for their escorts.

Facility Raids: One VSTOL (Vertical and/or Short Take-Off and Landing) carrier, much less a full-deck-carrier task force, is sufficient to destroy your boats and port facilities, using precision weapons to minimize civilian casualties and remaining on station for long-term suppression.

Punitive Raids: Collectively or individually, the maritime powers could at will expand attacks upon your docks and boats to whatever punitive degree they wished.

Q-Ships: These nations have in the past deployed—and could deploy again—civilian ships fitted out with concealed heavy weaponry. Depending upon the rules of engagement, your employees would be either incapacitated, captured, or annihilated.

As daunting as all this may seem, we believe that you may conduct your business relatively unimpeded for some time to come. When the United States had only a tiny fraction of the naval capability it now has, the small and vulnerable forces it sent to deal with pirates of equal or greater military power performed with legendary bravery and daring. That was then.

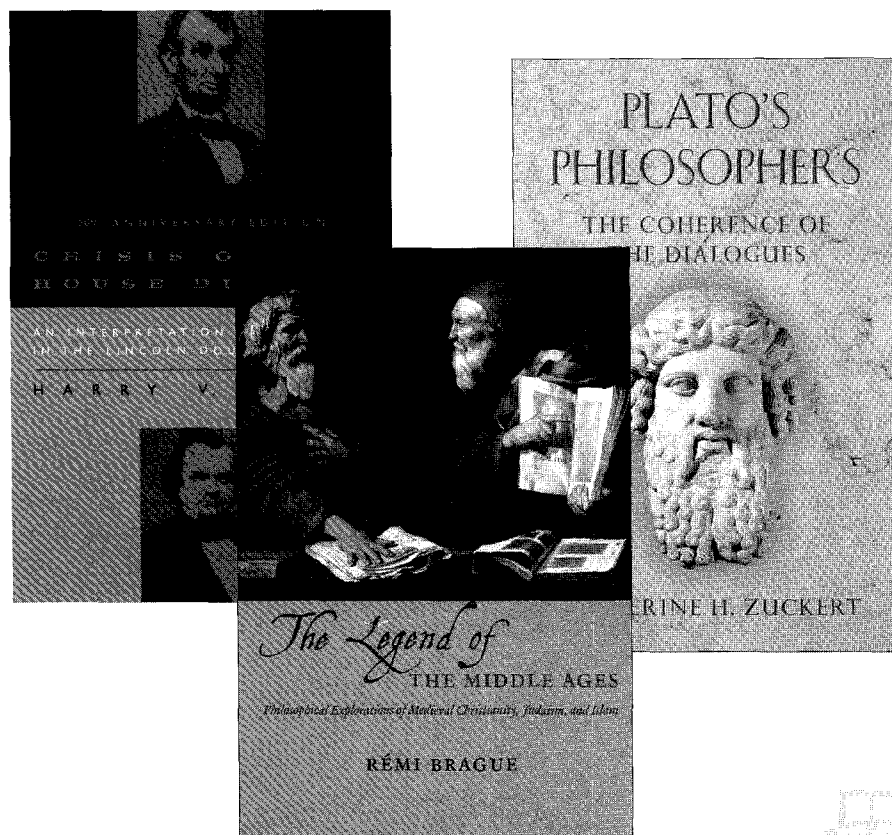
Now, large constituencies in the economically advanced nations make it difficult for their governments to act, e.g., against terrorists who for decades remained free of even symbolic retribution. The governments of these countries, often reflecting their most timid and conciliatory citizens, seldom dare to dare. Although President Obama approved an assault upon three of your employees, this was politically not much more than a SWAT action authorized by a police chief. Despite your 84 attacks in the first quarter of 2009, and the totally rag-tag nature of your followers, a Pentagon official, one Edward Frothingham, claims that the resources of the United States military are too limited to commit against you without “grave implications for us.”

As you well know, the previous American president was held in check by his underestimation of the time and forces required by his policies in the Middle East. The current president's most war-like virtue is the ability to apologize to people who should be apologizing to us—an extraordinary skill no doubt, but questionable. You might worry a bit more about Messrs. Sarkozy and Berlusconi, either one of whom could drive you out of business, but as for the rest, though the quivers are full, no arrows are likely to be loosed in the near future.

That is because the intelligence that controls them is also the hand that stays them. The powers that should be a threat to you are caught in a paralyzing web of abstract legalities, deference to hostile opinion, and even in the clearest cases a perverse contempt for self-defense, which rules out the ability effectively to define, prepare for, justify, and execute it—and execute you. You would think that if you fired upon our ships we would fire back. But those days are over, and you have prosperous times ahead.

A version of this essay appeared in the Wall Street Journal.

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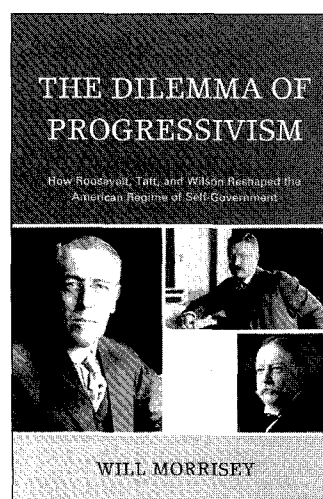
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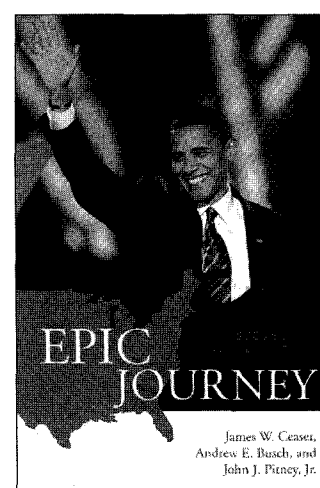
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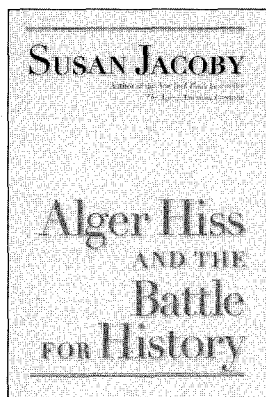
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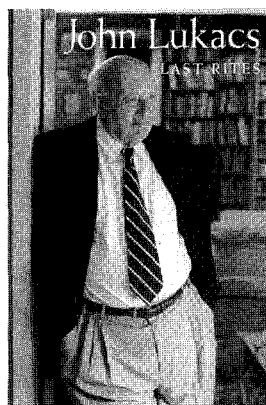
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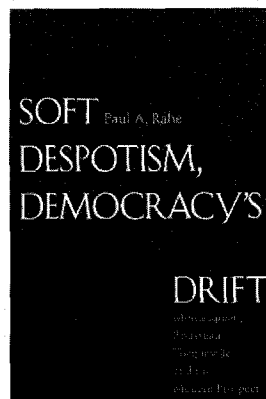
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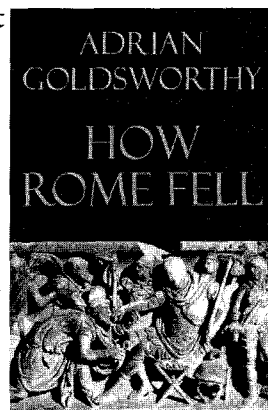
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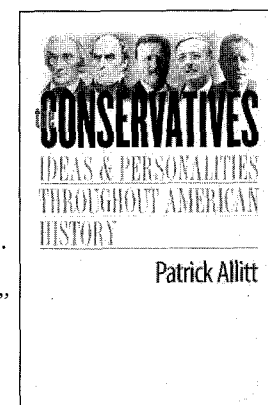
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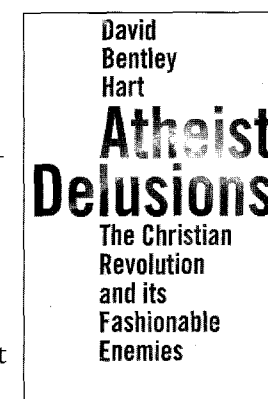
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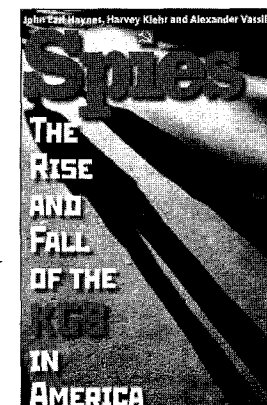
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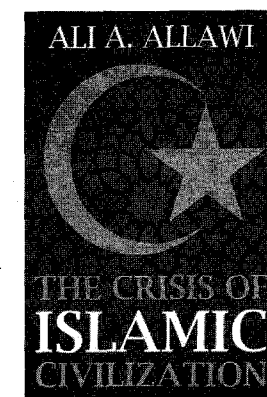
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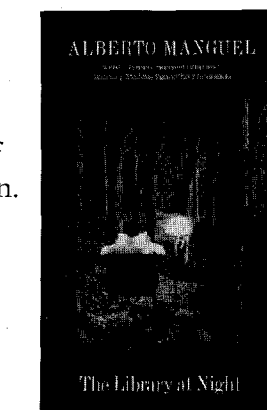
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